

# federal register

Thursday  
April 23, 1981

## 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.

- 23106 Grant Programs—Education** Education solicits new applications for FY 1981 for Special Services for Disadvantaged Students, Talent Search and Upward Bound programs.
- 23049 Mortgages** HUD/FHC issues rule to increase the maximum interest rates on insured home and multifamily loan programs. This action is designed to bring the maximum interest rates in line with other competitive market rates.
- 23053 Motor Vehicle Pollution** EPA issues rule amending procedures for compliance with High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles.
- 23085 Veterans** VA proposes to amend the portion of the Schedule for Rating Disabilities dealing with the endocrine system.
- 23190 Public Laws** List of Acts requiring publication in Federal Register, 1980. (Part II of this issue)

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

## Highlights

- 23184 Highway Safety** DOT/NHTSA announces opening of public docket on truck accident causation and the collection and analysis of truck accident data. This action is intended to assist the agency in completion of a final report to Congress on truck accident data collection, accident causation and injury causation.
- 23090 Customs Duties and Inspection** Commerce/ITA issues final affirmative countervailing duty determination for leather wearing apparel from Argentina.
- 23070 Deep Seabed Mining** Commerce/NOAA announces availability of a preliminary regulatory impact analysis and initial regulatory flexibility analysis.

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- 23190 Sunshine Act Meetings**

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# Rules and Regulations

Federal Register

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

## FEDERAL LABOR RELATIONS AUTHORITY, GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY, AND FEDERAL SERVICE IMPASSES PANEL

### 5 CFR Ch. XIV

#### Change in Sub-Regional Office Address

**AGENCY:** Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

**ACTION:** Amendment of rules and regulations.

**SUMMARY:** This rule amends Appendix A, paragraph (d)(7)(a) (45 FR 80467) of the final rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 45 FR 3482, to establish a new address and telephone numbers for the permanent location of the Authority's Denver, Colorado Sub-Regional Office within the Authority's Kansas City, Missouri Regional Office.

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

**FOR FURTHER INFORMATION CONTACT:** D. Randall Frye, Assistant General Counsel (202) 632-4967.

**SUPPLEMENTARY INFORMATION:** Effective January 17, 1980, the Authority, General Counsel and Panel published, at 45 FR 3482, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978.

Appendix A, paragraph (d) of the rules and regulations (45 FR 3522) sets

forth the current office addresses and telephone numbers of the Regional Directors of the Authority. This amendment sets forth the changed address and telephone numbers of the Denver, Colorado Sub-Regional Office of the Authority. Accordingly, Appendix A, paragraph (d)(7)(a) of the Authority, General Counsel, and Panel rules and regulations (45 FR 80467) is revised to read as follows:

#### Appendix A to 5 CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

(d) The Office addresses of Regional Directors of the Authority are as follows:

(7)(a) *Denver, Colorado*—1531 Stout Street, Sub-Regional Office—Suite 301, Denver, Colorado 80202, Telephone: FTS-327-5224, Commercial—(303) 327-5224.

(5 U.S.C. 7134)

Dated: April 20, 1981.

Ronald W. Haughton,  
*Chairman.*

Henry B. Frazier III,  
*Member.*

Leon B. Applewhaite,  
*Member.*

H. Stephan Gordon,  
*General Counsel.*

[FR Doc. 81-12259 Filed 4-22-81; 8:45 am]

BILLING CODE 6727-01-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 907

[Navel Orange Reg. 519]

#### Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 24-30, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** April 24, 1981.

#### FOR FURTHER INFORMATION CONTACT:

William J. Doyle, 202-447-5975.

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

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

The committee met again publicly on April 21, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

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

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

1. Section 907.819 is added as follows:

**§ 907.819 Navel orange regulation 519.**

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 24, 1981, through April 30, 1981, are established as follows:

- (1) District 1: 1,200,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

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

Dated: April 22, 1981

D. S. Kuryloski,

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

[FR Doc. 81-12500 Filed 4-23-81; 12:08 pm]

BILLING CODE 3410-02-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 81-WE-4-AD; Amdt. 39-4091]

**Airworthiness Directives; Piccard Balloon Model Ax-6**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair, if necessary, of the deflation panel hook and pile synthetic fastener tape (Velcro), and installation of a mechanical latch on Piccard Balloon Model Ax-6 balloon. The AD is prompted by a report of a deflation panel inadvertently opening in flight which resulted in an uncontrolled, fatal, descent of the balloon to the earth.

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

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

**ADDRESSES:** The applicable service information may be obtained from: General Balloon Corporation, P.O. Box 1902, Newport Beach, California 92663, Attention: Don Piccard.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 918, FAA, 800 Independence Avenue, S.W., Washington, D. C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation

Boulevard, Hawthorne, California 90281.

**FOR FURTHER INFORMATION CONTACT:** Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

**SUPPLEMENTARY INFORMATION:** There has been a report of a deflation panel (commonly referred to as "the rip panel") inadvertently opening in flight followed by an uncontrolled, fatal, descent to the earth. The FAA has evaluated the balloon design and the maintenance/inspection procedures, and has determined that the incorporation of a deflation panel latch at the balloon apex and more detailed maintenance/inspection procedures, including a revised Balloon Flight Manual (BFM), are necessary to achieve an acceptable level of safety for the operation of the Piccard Balloon Model Ax-6 balloon. General Balloon Corporation produces this aircraft under a licensing arrangement with Don Piccard Balloons, Inc., the type certificate holder. Since this condition is likely to exist or develop on other balloons of the same type design, an Airworthiness Directive is being issued which requires inspection and modification of the Piccard Balloon Ax-6 balloon.

This amendment affects approximately 300 hot air balloons and involves approximately \$62,000.00 in related costs.

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

**Adoption of the Amendment**

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

**Piccard Balloon:** Applies to Model Ax-6 Series Balloon, certified in all categories. Compliance is required as indicated, unless already accomplished.

To prevent inadvertent deflation panel opening in flight, accomplish the following:

(a) Prior to the next inflation, and during each subsequent preflight inspection, after the effective date of this AD:

(1) Check the synthetic fastener tape, known as hook and pile (Velcro), of the deflation panel system for broken hook and pile, or deterioration caused by heat, in

accordance with paragraph A of General Balloon Corporation Service Letter Number 7, dated March 17, 1981, (hereafter referred to as General Balloon Letter No. 7).

(2) Repair all areas of hook and pile found to be unserviceable during check (a)(1), in accordance with paragraph G of General Balloon Letter No. 7.

(3) After accomplishment of (a)(1) and (a)(2), conduct a side shear load transfer capability check of the hook and pile, in accordance with paragraph B of General Balloon Letter No. 7. If hook and pile separate, accomplish either (i) or (ii) as follows:

(i) Have the side shear load transfer capability of the hook and pile retested by a rated mechanic or certified repair station, in accordance with paragraph E of General Balloon Letter No. 7, and replace all areas of hook and pile unable to sustain the side shear load with like serviceable fastener tape.

(ii) Have a rated mechanic or certified repair station replace areas of hook and pile that did not pass the side shear load transfer capability check conducted in paragraph (a)(3) with like serviceable fastener tape.

(4) Preflight checks conducted in accordance with Piccard Balloon Ax-6 Balloon Flight Manual (BFM) Revision No. 9, dated April 2, 1981, deletes the requirements for subsequent preflight checks specified in paragraph (a) of this AD.

(b) Prior to next inflation, after the effective date of this AD, install an approved mechanical latch (i.e., a Capewell) at the apex of the balloon envelope, in accordance with the balloon manufacturer's instructions as approved by the FAA.

(c) At intervals not to exceed 100 hours time in service or at each annual inspection after the effective date of this AD, whichever comes first, accomplish side shear load transfer capability test of the hook and pile fastener tape, in accordance with paragraph E of General Balloon Letter No. 7. Replace areas of degraded hook and pile fastener tape with like serviceable fastener tape.

**Note.**—The General Balloon Corporation Service Letter Number 7, dated March 17, 1981, is applicable to Piccard Balloon Model Ax-6, since General Balloon Corporation produces the Piccard Balloon Ax-6 under a licensing arrangement with Don Piccard Balloons, Inc., the type certificate holder.

**Note.**—Revision 9 to the Piccard Balloon Ax-6 Balloon Flight Manual (BFM), dated April 2, 1981, is being distributed with General Balloon Corporation Service Letter Number 7, dated March 17, 1981, or may be obtained from General Balloon Corporation, P.O. Box 1902, Newport Beach, California 92663.

All repairs, modifications, and inspections stipulated in this AD must be accomplished by a rated mechanic or an FAA certified repair station.

The checks required by this AD constitute preventative maintenance and may be performed by persons authorized to perform preventative maintenance under FAR 43.

The checks required by this AD may be performed by a pilot with a free balloon rating.



Accomplishment of the checks required by this AD are to be recorded in the balloon maintenance records.

Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturers' specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Balloon Corporation, P.O. Box 1902, Newport Beach, California 92663. These documents may also be examined at Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C., and at FAA Western Region Office, Room 6W14.

This amendment becomes effective April 23, 1981.

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

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

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

Issued in Los Angeles, California on April 7, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-11751 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 21637; Amdt. 39-4093]

#### Airworthiness Directives; Short Brothers Limited Model SD3-30 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that requires a repetitive inspection for cracks in the main landing gear wheels as installed on certain Short Brothers Model SD3-30 series airplanes and replacement of those wheels in which cracks are found. The AD is prompted by reports of fatigue cracks in, and failure of, the main landing gear wheels.

**DATES:** Effective May 4, 1981.

Compliance schedule—as prescribed in body of AD.

**ADDRESSES:** The applicable service bulletin may be obtained from: Short Brothers Limited, P.O. Box 241, Airport Road Belfast, BT 3 9DZ, Attention: Product Support Manager.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8374.

**SUPPLEMENTARY INFORMATION:** There have been reports of fatigue cracks in, and failure of, the main landing gear wheels, P/N AH53369, as installed on certain Short Brothers Limited Model SD3-30 series airplanes that could cause structural damage to, and/or loss of control of the airplane during takeoff and landing operations. Since this condition is likely to exist or develop on other airplanes of the same type design, the AD is needed to require repetitive eddy current inspection for cracks in the valve side half, P/N AH43782, of the main landing gear wheels, P/N AH53369, and replacement of the wheel half in which cracks are found, on certain Short Brothers Limited Model SD3-30 series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are

impracticable and good cause exists for making this amendment effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive: Short Brothers Limited. Applies to Model SD3-30 series airplanes, with main landing gear wheel, P/N AH53369, installed, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the main landing gear wheels, accomplish the following:

(a) Prior to the accumulation of 150 hours time in service or 250 landings after the effective date of this AD, whichever occurs sooner, and thereafter at intervals not to exceed 250 landings since the last inspection, inspect the valve side half, P/N AH43782 Mod State 1, of the main landing gear wheel, P/N AH53369, for cracks using the eddy current method in accordance with the Dunlop Component Maintenance Manual 32-40-65, Revision 6, dated May 11, 1979, or an FAA-approved equivalent.

(b) Prior to the accumulation of 300 hours time in service or 500 landings since new, or prior to the accumulation of 150 hours time in service or 250 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 250 landings since the last inspection, inspect the valve side half, P/N AH43782 Mod State 2, of the main landing gear wheel, P/N AH53369, for cracks using the eddy current method in accordance with the Dunlop Component Maintenance Manual 32-40-65, Revision 6, dated May 11, 1979, or an FAA-approved equivalent.

(c) If as a result of the inspection required in paragraph (a) or (b) of this AD, any crack or cracks are found, replace the wheel with a serviceable wheel of the same part number, or an FAA-approved equivalent and continue the repetitive inspection required by paragraph (a) or (b) of the AD as appropriate.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

**Note.**—Shorts Service Bulletin SD3-32-64, Revision 2, dated January 25, 1980, and Dunlop Aviation Division Service Bulletin No.

32-920, Revision 2, dated November 16, 1979, refer to this subject.

This amendment becomes effective May 4, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Short Brothers, Limited, P.O. Box 241, Airport Road, Belfast, BT 3 9DZ, Ireland, Attention: Product Support Manager. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

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

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

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

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

Jerold M. Chavkin,

Acting Director of Airworthiness.

[FR Doc. 81-11750 Filed 4-23-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Parts 71 and 73

[Airspace Docket No. 80-ASO-74]

### Amendment to Restricted Area, Fort Stewart, Ga.

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

**ACTION:** Final rule.

**SUMMARY:** These actions further subdivide Restricted Areas R-3005A and R-3005B into R-3005A, R-3005B, R-3005C, R-3005D and R-3005E, and slightly expand the overall size of the restricted airspace to coincide with the military reservation boundary. The areas are included in the Continental Control Area. These amendments are needed to accommodate the establishment of an instrument approach to Liberty County Airport and to contain military artillery firing conducted within the military reservation boundary. Unauthorized flight by nonparticipating aircraft is prohibited within a restricted area during its designated times of use.

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

**FOR FURTHER INFORMATION CONTACT:** George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

#### SUPPLEMENTARY INFORMATION:

##### History

On February 9, 1981, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to further subdivide Restricted Areas R-3005A and R-3005B, Fort Stewart, Ga., into R-3005A, R-3005B, R-3005C, R-3005D, and R-3005E and to align the restricted area boundaries so they coincide with the Fort Stewart military reservation boundaries (46 FR 11553). These restricted areas protect aircraft from the hazards associated with artillery firing conducted on the military reservation. Although the overall amount of restricted area airspace is slightly increased, the realignment and subdivision provides for more efficient utilization of the affected airspace and permits the establishment of an NDB instrument approach into Liberty County Airport unencumbered by the codesignation of restricted airspace. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. In the proposal, inclusion of the areas into the Continental Control Area was inadvertently omitted. This is corrected in the rule. Sections 71.151 and 73.30 were republished on January 2, 1981 (46 FR 446 and 798).

##### The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14

CFR Parts 71 and 73) further subdivide R-3005A and B into R-3005A, B, C, D, and E and slightly increase the overall size of the restricted airspace to coincide with the military reservation boundaries. The areas are included in the Continental Control Area.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.151 and 73.30 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 798) are amended, effective 0901 GMT, June 11, 1981, as follows:

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### § 71.151 [Amended]

1. In § 71.151 after "R-3005B Fort Stewart, Ga." by adding:

"R-3005C Fort Stewart, Ga.  
R-3005D Fort Stewart, Ga.  
R-3005E Fort Stewart, Ga."

#### PART 73—SPECIAL USE AIRSPACE

##### § 73.30 [Amended]

2. In § 73.30 under "R-3005C Fort Stewart, Ga., Boundaries." by revising the description to read:

"Beginning at Lat. 32°07'00"N., Long. 81°43'30"W.; to Lat. 32°06'45"N., Long. 81°37'00"W.;

thence south along Georgia Highway 119 to Lat. 31°54'00"N., Long. 81°38'15"W.; thence west along Georgia Highway 144 to Lat. 31°55'30"N., Long. 81°53'00"W.; to Lat. 31°57'00"N., Long. 81°53'15"W.; to Lat. 31°59'45"N., Long. 81°51'06"W.; to Lat. 32°02'21"N., Long. 81°50'42"W.; to Lat. 32°02'59"N., Long. 81°51'26"W.; to Lat. 32°05'24"N., Long. 81°50'03"W.; to Lat. 32°07'28"N., Long. 81°47'17"W.; to point of beginning."

3. In § 73.30 under "R-3005B Fort Stewart, Ga., Boundaries." by revising the description to read:

"Beginning at Lat. 32°06'45"N., Long. 81°37'00"W.; to Lat. 32°06'15"N., Long. 81°31'30"W.;

to Lat. 32°05'30"N., Long. 81°31'30"W.;

to Lat. 32°05'15"N., Long. 81°30'00"W.;

to Lat. 31°56'30"N., Long. 81°30'00"W.;

thence counterclockwise along the arc of a 5-mile radius circle centered at Lat. 31°53'20"N., Long. 81°33'45"W.;

to Lat. 31°56'48"N., Long. 81°30'42"W.;

thence south along Georgia Highway 144 to Lat. 31°53'11"N., Long. 81°37'51"W.;

thence north along Georgia Highway 119 to point of beginning."

4. In § 73.30 by adding three new restricted area descriptions to read:

R-3005C Fort Stewart, Ga.

Boundaries. Beginning at Lat. 32°06'15"N., Long. 81°30'00"W.; to Lat. 32°04'15"N., Long. 81°22'30"W.;

thence along the Ogeechee River to Lat. 32°00'30"N., Long. 81°19'30"W.; to Lat. 31°58'45"N., Long. 81°19'45"W.; to Lat. 31°57'30"N., Long. 81°21'00"W.; to Lat. 32°02'00"N., Long. 81°30'00"W.;

thence to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Times of use. Continuous.

Controlling agency. FAA Jacksonville ARTC Center.

Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

R-300D Fort Stewart, Ga.

Boundaries. Beginning at Lat. 31°57'30"N., Long. 81°21'00"W.; to Lat. 31°56'15"N., Long. 81°23'00"W.;

to Lat. 31°54'03"N., Long. 81°28'45"W.; thence counterclockwise along the arc of a 5-mile radius circle centered at Lat.

31°53'20"N., Long. 81°33'45"W.; to Lat. 31°56'30"N., Long. 81°30'00"W.; to Lat. 32°02'00"N., Long. 81°30'00"W.; thence to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Times of use. Continuous.

Controlling agency. FAA Jacksonville ARTC Center.

Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

R-3005E Fort Stewart, Ga.

Boundaries. Beginning at Lat. 31°54'00"N., Long. 81°38'15"W.; to Lat. 31°53'11"N., Long. 81°37'51"W.;

to Lat. 31°52'20"N., Long. 81°38'10"W.; to Lat. 31°51'55"N., Long. 81°39'50"W.; to Lat. 31°51'30"N., Long. 81°41'45"W.; to Lat. 31°55'00"N., Long. 81°53'00"W.; to Lat. 31°55'30"N., Long. 81°53'00"W.; thence east along Georgia Highway 144 to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Times of use. Continuous.

Controlling agency. FAA Jacksonville ARTC Center.

Using agency. Commander, 24th Infantry Division, Fort Stewart, Ga.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 2, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12010 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Parts 71 and 75

[Airspace Docket No. 79-AEA-12]

### Alteration of Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This rule alters V-29, V-157, V-166, V-170, V-433 Airways and Jet Route J-40 as a result of the requirement to relocate the New Castle, Del., VORTAC a distance of less than 2 miles, and renames it FATIMA. This relocation is caused by the inability of FAA to renew the land lease at the present location.

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

**FOR FURTHER INFORMATION CONTACT:** Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

#### SUPPLEMENTARY INFORMATION:

#### History

On May 29, 1979, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to realign several airways and jet routes as published in the Federal Register (44 FR 30693). These changes are required because of the inability of the FAA to renew the land lease at the present location of the New Castle, Del., VORTAC. The VORTAC will be moved a distance of less than 2 miles and be renamed FATIMA. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. Except for editorial changes, and except as specifically discussed below, these amendments are those proposed in the notice. Sections 71.123 and 75.100 were republished on January 2, 1981 (46 FR 409 and 834).

#### The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations realign the following airways and jet routes: (1) Victor Airway 29 from Kenton, Del., direct to FATIMA, Del., direct to Modena, Pa.; (2) Victor Airway

157 from Kenton direct to FATIMA, direct to Robbinsville, N.J.; (3) Victor Airway 166 from Westminster, Md., direct to FATIMA, direct to Woodstown, N.J.; (4) Victor Airway 170 from Modena direct to FATIMA, to the INT of FATIMA 223° and Andrews, Md., 060° radials, to the INT of Andrews 060° and Baltimore, Md., 165° radials; (5) Victor Airway 433 from the INT of Washington, D.C., 065° and FATIMA, 223° radials via FATIMA, direct to Yardley, Pa., including an east alternate via INT FATIMA 058° and Yardley 196° radials, (6) Jet Route 40 from the INT of Gordonsville, Va., 059° and FATIMA, Del., 223° radials to FATIMA. Jet Routes 6, 8, and 42 will continue above the FATIMA VORTAC without the use of a navigation aid at this location; therefore, no changes are required in their definition.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (46 FR 409 and 834) and amended (45 FR 71773 and 77418) are further amended, effective 0901 GMT, June 11, 1981, as follows:

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### § 71.123 [Amended]

1. By amending § 71.123 as follows:

a. In the descriptions of Airways V-29, V-157, and V-166, by removing the words "New Castle" and substituting for them the word "FATIMA."

b. In the description of Airway V-170, by removing the words "New Castle, Del.; INT New Castle 222°" and substituting for them the words "FATIMA, Del.; INT FATIMA 223°"

c. In the description of Airway V-433, by removing the words "New Castle, Del., 222° radials; New Castle." and "INT New Castle 058°" and substituting for them, respectively, the words "FATIMA, Del., 223° radials; FATIMA;" and "FATIMA 058°"

### PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

#### § 75.100 [Amended]

2. By amending § 75.100, in the description of Jet Route No. 40, by removing the words "New Castle, Del., 222° radials; to New Castle;" and substituting for them the words "FATIMA, Del., 223° radials; to FATIMA."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 2, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-12013 Filed 4-23-81; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 73

[Airspace Docket No. 81-AWA-5]

#### Special Use Airspace; Amendment to Prohibited Area P-66 Rancho del Cielo, Goletta, Calif.

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

**ACTION:** Final rule, request for comments.

**SUMMARY:** This action provides additional prohibited area airspace over the heliport adjacent to the President's residence for security purposes as requested by the U.S. Secret Service. No person may operate an aircraft within a prohibited area without the permission of the using agency.

**DATE:** Effective date: April 23, 1981.

Comments must be received on or before May 26, 1981.

**ADDRESSES:** Send comments on the rule in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-5, 15000 Aviation Boulevard, P.O. 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division,

Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone: (202) 426-8783.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments on the Rule

Although this action is in the form of a final rule, which involves flight requirements immediately affecting the security of the President, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

##### The Rule

The purpose of this amendment to § 73.87 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to expand Prohibited Area P-66, Rancho del Cielo, Goletta, Calif. Section 73.87 of Part 73 of the Federal Aviation Regulations was republished in the *Federal Register* on January 2, 1981 (46 FR 832). This amendment is requested by the Department of the Treasury, U.S. Secret Service, to encompass the land area of the heliport associated with the President's residence, and to correct a discrepancy in the boundary and altitude description of the existing prohibited area.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to effect reasonable security precautions for the protection of the President. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and that good cause exists for making this amendment effective in less than 30 days after its publication in the *Federal Register*.

##### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.87 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished and amended (46 FR 832 and 3499), is further amended, as follows:

#### § 73.87 [Amended]

1. Under P-66 Rancho del Cielo, Goletta, Calif., Boundaries, by deleting the words "That airspace within a 1-mile radius of Lat. 34°31'00"N., Long. 120°05'08"W." and substituting for them the words "That airspace within 1 mile each side of a line extending for Lat. 34°31'50"N., Long. 120°05'30"W.; to Lat. 34°31'51"N., Long. 120°04'30"W.; and within a 1-mile radius of each of the above coordinates."

2. Under P-66 Rancho del Cielo, Goletta, Calif., Designated altitudes, by deleting the words "Surface to 1,000 feet AGL" and substituting for them the words "Surface to 3,500 feet MSL."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 2, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-12013 Filed 4-23-81; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Parts 46 and 131

[Docket No. RM 81-26; Order No. 140]

#### Public Utility Filing Requirement; Order Establishing Format No. FERC 561, Annual Report of Interlocking Positions

##### Correction

In FR Doc. 81-11391, appearing at page 22180 in the issue of Thursday, April 16, 1981, make the following corrections:

1. On page 22181, in the third column, the heading for § 131.31 should read:

§ 131.31 **Format No. FERC 561, Annual report of interlocking positions.**

2. Also on page 22181, in column three, the bracketed words, "[To be followed, first: by the actual format, and second:

by the instructions to the format.]” should be removed

BILLING CODE 1505-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, and 244

[Docket No. R-81-917]

### Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates.

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

**SUMMARY:** This change in the regulations increases the HUD/FHA maximum interest rates on insured home and multifamily loan programs. This action by HUD is designed to bring the maximum interest rates into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

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

**FOR FURTHER INFORMATION CONTACT:** John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202-426-4667).

**SUPPLEMENTARY INFORMATION:** The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 14.00 percent to 14.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 14.50 percent to 15.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 14.00 percent to 14.50 percent for permanent financing loans.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are

unnecessary and that good cause exists for making this amendment effective immediately.

A finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

#### Subpart A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

#### § 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after April 13, 1981.

2. Section 203.45 paragraph (b) is revised to read as follows:

#### § 203.45 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.00 percent per annum with respect to mortgages insured on or after April 13, 1981.

3. Section 203.46 paragraph (c) is revised to read as follows:

#### § 203.46 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.00 percent per annum with respect to mortgages insured on or after April 13, 1981.

### PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

#### Subpart A—Eligibility Requirements

4. Section 207.7 paragraph (a) is revised to read as follows:

#### §207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

(1) 14.50 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

### PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

#### Subpart A—Eligibility Requirements—Projects

5. Section 213.10 paragraph (a) is revised to read as follows:

#### § 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

(1) 14.50 percent per annum with respect to permanent financing;

(2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

#### Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

6. Section 213.511 paragraph (a) is revised to read as follows:

#### § 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after April 13, 1981.

### PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

#### Subpart C—Eligibility Requirements—Projects

7. Section 220.576 paragraph (a) is revised to read as follows:

**§ 220.576 Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
  - (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.
- \* \* \* \* \*

**PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE****Subpart C—Eligibility Requirements—Moderate Income Projects**

8. Section 221.518 paragraph (a) is revised to read as follows:

**§ 221.518 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
  - (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.
- Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.
- \* \* \* \* \*

**PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE****Subpart A—Eligibility Requirements**

9. Section 232.29 paragraph (a) is revised to read as follows:

**§ 232.29 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to

and including the cutoff date of cost certification.

\* \* \* \* \*

**Subpart C—Eligibility Requirement—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment**

10. Section 232.560 paragraph (a) is revised to read as follows:

**§ 232.560 Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 14.50 percent per annum with respect to loans insured on or after April 13, 1981.

\* \* \* \* \*

**PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE****Subpart A—Eligibility Requirements—Individually Owned Units**

11. Section 234.29 paragraph (a) is revised to read as follows:

**§ 234.29 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after April 13, 1981.

\* \* \* \* \*

12. Section 234.75 paragraph (b) is revised to read as follows:

\* \* \* \* \*

**§ 234.75 Eligibility of graduated payment mortgages.**

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.00 percent per annum with respect to mortgages insured on or after April 13, 1981.

\* \* \* \* \*

13. Section 234.76 paragraph (c) is revised to read as follows:

**§ 234.76 Eligibility of modified graduated payment mortgages.**

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.00 percent per annum with respect to mortgages insured on or after April 13, 1981.

\* \* \* \* \*

**PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION****Subpart D—Eligibility Requirements—Rehabilitation Sales Projects**

14. Section 235.540(a) is revised to read as follows:

**§ 235.540 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.50 percent per annum with respect to mortgages insured on or after April 13, 1981.

\* \* \* \* \*

**PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS****Subpart A—Eligibility Requirements for Mortgage Insurance**

15. Section 236.15(a) is revised to read as follows:

**§ 236.15 Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
  - (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.
- \* \* \* \* \*

**PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES****Subpart A—Eligibility Requirements**

16. Section 241.75 is revised to read as follows:

**§ 241.75 Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

#### PART 242—MORTGAGE INSURANCE FOR HOSPITALS

##### Subpart A—Eligibility Requirements

17. Section 242.33(a) is revised to read as follows:

##### § 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

#### PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

##### Subpart A—Eligibility Requirements

18. Section 244.45(a) is revised to read as follows:

##### § 244.45 Maximum interest rate.

(a) the mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after April 13, 1981, which rate shall not exceed:

- (1) 14.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

(Section 3(a), 82 Stat. 113; 12 U.S.C. 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))  
Issued at Washington, D.C., April 10, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 81-12263 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

#### DEPARTMENT OF JUSTICE

##### Office of the Attorney General

##### 28 CFR Part 0

[Order No. 941-81]

##### Delegation of Inmate Transfer Authority

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** The Attorney General is authorized, under 18 U.S.C. § 4085, to transfer Federal prisoners indicted, informed against, or convicted of a felony in a state or District of Columbia court to a penal or correctional institution of such state or the District at the request of the governor or executive authority thereof. This order delegates the Attorney General's authority under § 4085 to cause such transfers to the Director of the Bureau of Prisons.

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

**FOR FURTHER INFORMATION CONTACT:** Ira B. Kirschbaum, Assistant General Counsel, Bureau of Prisons, U.S. Department of Justice, 320 First Street, N.W., Washington, D.C. 20534 (202-724-3062).

**SUPPLEMENTARY INFORMATION:** This order pertains to agency management. It is not subject to publication for notice and comment under 5 U.S.C. 553 and is not a rule within the meaning of, or subject to the requirements of either the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, or Executive Order No. 12291 ("Federal Regulation").

Accordingly, by virtue of the authority vested in me by 28 U.S.C. § 510 and 5 U.S.C. § 301, § 0.96 of Title 28, Code of Federal Regulations is amended by revising paragraph (q) to read as follows:

##### § 0.96 Delegations.

(q) Deciding upon requests by states for temporary transfers of custody of inmates for prosecution under Article IV of the Interstate Agreement on Detainers (84 Stat. 1399) and pursuant to other available procedures; and receiving and reviewing requests by the executive authority of states or the District of Columbia for, and authorizing the transfer of, inmates pursuant to 18 U.S.C. 4085.

Dated: April 13, 1981.

William French Smith,  
Attorney General.

[FR Doc. 81-12187 Filed 4-23-81; 8:45 am]

BILLING CODE 4410-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Coast Guard

##### 33 CFR Part 117

[CGD5 80-24R]

##### Drawbridge Operation Regulations: Oak Creek, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Final rule; Revocation.

**SUMMARY:** This amendment revokes the regulations for the bridge across Oak Creek, mile 0.0, at Royal Oak, Maryland, because the railroad bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

**EFFECTIVE DATE:** This amendment is effective on May 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Wayne J. Creed, Chief, Bridge Section, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6222).

**DRAFTING INFORMATION:** The principal persons involved in drafting this revocation of regulations are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and Lieutenant Commander Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

**SUPPLEMENTARY INFORMATION:** This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a bridge that no longer exists. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.

##### § 117.285 [Removed]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.285.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C.

1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3)]

T. T. Wetmore III,

Rear Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.

[FR Doc. 81-12284 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CGD5 80-23R]

#### Drawbridge Operation Regulations: Rappahannock River, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

**SUMMARY:** This amendment revokes the regulations for the drawbridges across the Rappahannock River, because all the drawbridges have been converted to fixed bridges. Notice and public procedure have been omitted from this action due to the structural changes in the bridges concerned.

**EFFECTIVE DATE:** This amendment is effective on May 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Wayne J. Creed, Chief, Bridge Section, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6222).

**DRAFTING INFORMATION:** The principal persons involved in drafting this revocation of regulations are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and Lieutenant Commander Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

**SUPPLEMENTARY INFORMATION:** This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to drawbridges that no longer exist. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.

#### § 117.340 [Removed]

In consideration of the above facts, Part 117 of Title 33 of the Code of

Federal Regulations is amended by removing § 117.340.

(Sec. 5, 28 Stat. 382, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

T. T. Wetmore, III,

Rear Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.

[FR Doc. 81-12286 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CGD 80-122]

#### Drawbridge Operation Regulations; St. Johns River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

**SUMMARY:** This amendment revokes the regulations for the State Road 415 bridge across the St. Johns River, mile 170.0, because this bridge has been removed. A new fixed bridge has been built in its place. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

**EFFECTIVE DATE:** This amendment is effective on May 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/14), Room 1414, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

**DRAFTING INFORMATION:** The principal persons involved in drafting this revocation of regulations are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

**SUPPLEMENTARY INFORMATION:** This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-2-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.

#### § 117.430a [Removed]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.430a.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: April 15, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office  
of Navigation.

[FR Doc. 81-12283 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CGD 81-021]

#### Drawbridge Operation Regulations; Haines Creek, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

**SUMMARY:** This amendment revokes the regulations for the bascule bridge across Haines Creek, mile 2.5, because this bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

**EFFECTIVE DATE:** This amendment is effective on May 26, 1981.

**FOR FURTHER INFORMATION CONTACT:** Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/14), Room 1414, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

**DRAFTING INFORMATION:** The principal persons involved in drafting this revocation of regulations are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

**SUPPLEMENTARY INFORMATION:** This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered a major rule under Executive Order 12291. Furthermore, it has been found nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-2-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act were taken into consideration, and this action will not have a significant effect on small entities.



**§ 117.434a [Removed]**

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by removing § 117.434a.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: March 30, 1981.

Peter J. Rots,

*Captain, U.S. Coast Guard, Acting Chief,  
Office of Navigation.*

[FR Doc. 81-12268 Filed 4-23-81; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 86 and 600

[AMS-FRL 1790-5]

#### Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Amended Procedures for Compliance With High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This action will affect the high-altitude emission procedures for 1982 and 1983 model year light-duty motor vehicles by allowing the manufacturer to determine high-altitude compliance by its own engineering evaluation and testing, and eliminating the need for manufacturers to obtain prior EPA approval for high-altitude modification instructions and for exemptions. In addition, several technical amendments have been included to correct problems that have been pointed out by manufacturers. We are adopting these modifications of the existing high-altitude rule to reduce the regulatory burden on the industry, to increase manufacturers' flexibility in demonstrating compliance with emission standards at high altitude, and to make the regulations conform to current EPA practices.

**DATES:** This rule is effective April 23, 1981. However, EPA will accept comments received on or before May 26, 1981. Any comments should be mailed or delivered to the Central Docket Section (see ADDRESS below).

**ADDRESS:** Copies of material relevant to this rulemaking action are contained in Public Docket No. A-79-14 at the U.S. Environmental Protection Agency, Central Docket Section [A-130], West Tower Lobby, Gallery 1, 401 M Street S.W., Washington, D.C. 20460. The docket may be inspected and comments

delivered between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. A reasonable fee may be charged for copying services.

**FOR FURTHER INFORMATION CONTACT:** Clifford D. Tyree, Certification Policy and Support Branch, Environmental Protection Agency, 2585 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-4310.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

In the October 8, 1980 Federal Register (45 FR 66984), EPA published final regulations establishing exhaust and evaporative high-altitude emission standards and compliance procedures for 1982 and 1983 model year light-duty motor vehicles. These amendments are in response to unanticipated delays some manufacturers are experiencing in their 1982 certification process. These delays are primarily due to insufficient time to complete the required testing and approval sequences for high-altitude certification. They are not as a result of any technical complexities or the nonavailability of testing facilities. In evaluating the available leadtime for compliance with these regulations (45 FR 66991), EPA concluded that neither the technical complexity nor the availability of testing facilities would prevent timely compliance. These conclusions are still valid. However, from a practical standpoint, the time required to fulfill all the requirements for demonstrating compliance at high altitude have made it difficult for some manufacturers to complete all of their compliance testing and to receive certification from EPA prior to their planned dates for starting production.

In the preamble of the October 8, 1980 rule, EPA recognized that manufacturers of both light-duty vehicles and light-duty trucks could find it difficult to complete the necessary product-line calibrations for light-duty trucks by the start of 1982 production. Therefore, EPA provided for exemptions from the high-altitude emission standards for light-duty trucks. Upon petition from a manufacturer, EPA would exempt from compliance with these regulations up to 30 percent of a manufacturer's light-duty trucks projected for high-altitude sales. These exempted trucks could still be sold at high altitudes.

EPA also provided an exemption for low-performance vehicles that are not intended for sale at high altitudes. If the manufacturer uses this exemption, the exempt vehicles cannot be sold at high altitude. This exemption is based on performance characteristics, and is specifically designed for vehicles that

achieve good fuel economy performance at low altitude. Since the performance of most vehicles decreases with increasing altitude, the performance characteristics of some fuel-efficient, low-power vehicles may be unsatisfactory at high-altitude locations. Comments on EPA's proposed rules supported our concern that low-performance vehicles would have great difficulty complying with high-altitude emission standards. Failure to provide exemptions for these vehicles would have prohibited their sale even at low altitudes, since they would not have met all certification requirements. Thus, EPA adopted objective criteria for exempting (from high-altitude compliance) low-performance vehicles which would not be sold at high altitudes.

Even with these two exemptions in place, EPA has observed some delays in 1982 certification for some manufacturers because there is insufficient time before the 1982 model year startup to perform the currently required specific testing and obtain prior EPA approvals for vehicle modifications and exemptions. As a result, EPA is promulgating these amendments to eliminate, as much as possible, any administrative hindrance to automobile manufacturers' ability to complete their certification programs on schedule. The most significant of these amendments is that the manufacturer will now have the option to test a specific certification vehicle, as is presently required, or to use engineering evaluations of other high-altitude testing to conclude that the engine family will comply with high-altitude standards. This change should significantly reduce the certification burden for high-altitude compliance since it effectively allows self-certification for manufacturers. This increases slightly the risk of certifying some vehicles that do not comply with high-altitude emission standards; however, EPA is confident that this increased risk will not result in any air quality degradation in high-altitude areas. The stringency of the high-altitude emission standards remains uncompromised.

While leadtime is not a concern for the 1983 model year, EPA has decided to extend these amendments to include the 1983 model year. This extension should minimize confusion and disruption in the certification program which might result from one set of compliance demonstration rules for the 1982 model year and a different set of rules for the 1983 model year. Additionally, these amendments are consistent with the Agency's recent efforts to reduce certification burdens for manufacturers

without reducing the stringency of the emission standards. Since the current high-altitude rules expire with the 1983 model year, EPA will reevaluate the compliance requirements as part of its development of high-altitude regulations applicable for the 1984 and later model years.

This action also contains several relatively minor technical amendments intended to clarify requirements and make nonsubstantial administrative changes in some portions of the regulation. These changes are made largely in response to manufacturers' requests. We have previously informed manufacturers and other interested parties of our intent to make these changes. (See the letter from the Deputy Assistant Administrator for Mobile Source Air Pollution Control, dated January 12, 1981. A copy is available in the public docket for this action.)

#### B. Changes

**Certification Requirements:** The provisions of § 86.082-24 (b)(1)(v) and (b)(1)(vii)(D) require that the manufacturer test specific vehicles under high-altitude conditions. This change will allow the manufacturer a choice of either performing such tests or submitting a statement attesting that the vehicles comply with the high-altitude emission standards based on the manufacturer's engineering evaluations. Engineering evaluations will be based on such high-altitude emission testing as the manufacturer considers appropriate. The manufacturer need not routinely submit to EPA information upon which the statement is based; however, EPA may direct the manufacturer to submit this information on a case-by-case basis.

**Manufacturer Recommended Adjustments and Modifications:** The current provisions of § 86.082-8 (g)(1)(ii) and (9)(g)(1)(ii) require that EPA approve in advance the adjustments and modifications that the manufacturer recommends be performed on vehicles to meet high-altitude standards. This action transfers this review responsibility to the manufacturer.

**Light-Duty Vehicle Exemptions for Unsatisfactory Performance:** The provisions of § 86.082-8(g)(2) currently allow the manufacturer to petition the Administrator to grant an exemption from the high-altitude emission standards for certain light-duty vehicles the manufacturer will not offer for sale at high altitude. The exemption would be granted for reasons of unsatisfactory performance as determined by objective criteria. This change eliminates the need for a manufacturer to petition the Administrator for an exemption. The manufacturer may now determine (prior

to certification) which vehicles not intended for sale at high altitude will be exempt from the high-altitude emission standards. The manufacturer must use the same objective criteria contained in the current regulations.

**1982 Light-Duty Truck Sales Exemption:** The current provisions of § 86.082-9(g)(2) allow the Administrator to grant, if petitioned by the manufacturer, an exemption from the high-altitude emission standards for 30 percent of the total projected high-altitude sales for 1982 model year trucks. This change will eliminate the need for the manufacturer to petition the Administrator. The amendment also provides the additional flexibility to exempt specific vehicle configurations instead of entire engine families.

**Use of High-Altitude Data in the Calculation of Corporate Average Fuel Economy:** EPA is also revising 40 CFR Part 600 (Fuel Economy of Motor Vehicles) to accommodate the 1982 model year high-altitude regulations in the calculation of Corporate Average Fuel Economy (CAFE). Fuel economy regulations prior to the 1982 model year require the use of all fuel economy test data in the CAFE calculation. However, those regulations do not make allowances for sales weighting the high-altitude test data when the same configuration is tested at both high and low altitudes. This situation can occur under the present rules if a vehicle is equipped with a design which automatically compensates for changes in altitude. The fuel economy performance of vehicles equipped with these designs may be different at high altitude than at low altitude. Even though high-altitude sales of these designs may be much less than their low-altitude sales, present rules require high- and low-altitude test data within a configuration to be harmonically averaged without regard to sales. We are amending the fuel economy regulations to more appropriately account for the fuel economy of such designs by weighting, according to relative sales, the fuel economy generated at high altitude and low altitude. However, if a manufacturer elects not to test specific certification vehicles of high-altitude conditions, there will be no high-altitude data requirements of the manufacturer.

**Other Technical Amendments:** Three other technical amendments made by this action are as follows:

1. The provisions of § 86.082-8(d)(1) are not clear as to the emission standard applicable for those vehicles which have been granted waivers from either the statutory CO or the NO<sub>x</sub> standard. This amendment provides revised language

that is more concise and eliminates the need to publish two separate lists of waived vehicles in the regulations.

2. A clarification of the 1983 model year light-duty truck standards is also being made to indicate clearly that crankcase emission controls apply to gasoline-fueled light-duty trucks.

3. We have made a clarification that all low-altitude axle ratios must be certified to meet the high-altitude standards. Although this regulatory intent is amply evident in the preamble of the regulations and in the support documents, there appears to be some confusion regarding this requirement. Therefore, to remove the apparent ambiguity in the regulations, this amendment clearly specifies that all low-altitude combinations of engine, inertia weight class, transmission configuration, and axle ratio must also be certified to meet the high-altitude standards unless such vehicles are expressly exempted.

4. Manufacturers have indicated that they would be able to increase the number of models available to the public in high-altitude areas if they were allowed to certify specific axle ratios for use in vehicles to be sold only in high-altitude areas. This amendment provides for this flexibility.

5. The provisions of §§ 86.082-8(g) and 86.082-9(g) stated that all vehicles shall be capable of meeting both the low- and high-altitude emission standards. A literal interpretation of "all vehicles" would require that each engine code would have to meet both the low- and high-altitude emission standards. It was the intent, however, to allow the manufacturer to change engine codes as part of their high-altitude modifications. This oversight is now corrected so that engine code changes may be used as part of a high-altitude modification.

6. In a future technical amendment, EPA will delete the voluntary high-altitude program for 1984 light-duty trucks. This program was inadvertently included in the final rulemaking on statutory gaseous emission standards for light-duty trucks (45 FR 63734). This amendment is not included in this rulemaking because it affects a large number of pages of regulations, all of which have not been identified, and it would therefore delay publication of these amendments.

#### C. Environmental and Cost Impacts

This action should not affect the reduction in emissions anticipated in the original rule since these changes only relieve certain administrative restrictions. These changes do not change the manufacturer's responsibility

to design and build motor vehicles so that they will comply with the applicable low-altitude and high-altitude emission standards. EPA will continue to monitor manufacturers' in-use compliance at high-altitudes.

There will be a cost savings for manufacturers from the implementation of these amendments. Eliminating the high-altitude test requirements decreases the certification cost by approximately \$350,000 for each model year for the industry. Thus, over the 1982 and 1983 model years, the total decrease in certification testing costs would be approximately \$700,000. The other changes, which (1) eliminate the need to obtain advanced EPA approval of high-altitude adjustments or modifications and exemptions for vehicles with unsatisfactory performance at high altitude, and (2) change the light-duty truck sales exemptions to apply to vehicle configurations instead of engine families, should further decrease manufacturers' certification costs since they increase manufacturers' flexibility in complying with the regulations.

**Public Comment:** Pursuant to the Administrative Procedures Act (5 U.S.C. 553(b)), EPA finds that publishing a notice of proposed rulemaking and receiving public comments before establishing final amendments is impracticable and contrary to the public interest. These amendments are critical for manufacturers' compliance with the 1982 high-altitude standards. Substantial delay in promulgation of these amendments could result in manufacturers failing to complete certification for certain models, which would delay their introduction. EPA will, however, consider comments on these amendments received within 30 days after publication of this notice, including comments on the appropriateness of applying these amendments to the 1983 model year vehicles. If, as a result of those comments, additional changes to the regulations are appropriate, EPA will issue a revised final rule applicable for the 1983 model year. EPA finds good cause to make these amendments effective upon promulgation. In addition to the reasons discussed above, these amendments only relieve restrictions on the regulated industry.

**Regulatory Analysis:** Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the rules proposed herein are not major rules. As

discussed above, these amendments will decrease the cost of the industry's certification efforts without significantly affecting the environmental control anticipated in the original rule. Accordingly, a Regulatory Impact Analysis is not being prepared for this proposal.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Central Docket Section (see ADDRESS).

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The revision of the regulations established by this rulemaking should reduce the burden, including costs, of compliance with high-altitude requirements for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

Dated: April 15, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Accordingly, EPA is amending 40 CFR Parts 86 and 600 as follows:

**PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES**

1. The authority citation for Part 86 reads as follows:

**Authority:** Sections 202, 206, and 301(a)(1) of the Clean Air Act as amended, 42 U.S.C. 7521, 7524, and 7601(a)(1).

2. Section 86.082-2 is amended by adding a new definition to read as follows:

**§ 86.082-2 Definitions.**

"Low altitude" means any elevation equal to or less than 1,219 meters (4,000 feet).

3. Section 86.082-8 is amended by revising paragraph (d)(1)(ii), (iii), (g)(1), and (g)(2) to read as follows:

**§ 86.082-8 Emission standards for 1982 and later model year light-duty vehicles.**

(d)(1) \* \* \*

(ii) Carbon monoxide, 7.8 grams per vehicle mile (4.8 grams per vehicle kilometer), except that carbon monoxide emissions from 1982 model year light-

duty vehicles which are specifically listed in paragraph (a)(1)(ii) of this section shall not exceed 11 grams per vehicle mile (6.8 grams per vehicle kilometer).

(iii) *Oxides of nitrogen.* The standards in paragraph (a)(1)(iii) of this section apply.

(g)(1) Any light-duty vehicle that a manufacturer wishes to certify for sale at low altitude must also be capable of meeting high-altitude emission standards (specified in paragraph (d) through (f) of this section). The manufacturer may specify vehicle adjustments or modifications to allow the vehicle to meet high-altitude standards but these adjustments or modifications may not alter the vehicle's basic engine, inertia weight class, transmission configuration, and axle ratio.

(i) A manufacturer may certify unique vehicle configurations to meet the high-altitude standards but is not required to certify these vehicle configurations to meet the low-altitude standards.

(ii) Any adjustments or modifications that are recommended to be performed on vehicles to satisfy the requirements of paragraph (1) of this section:

(A) Shall be capable of being effectively performed by commercial repair facilities.

(B) Must be included in the manufacturer's application for certification.

(2) The manufacturer may exempt vehicles from the high-altitude emission standards as set forth in paragraph (d) of this section if the vehicles are not intended for sale at high altitude and if the vehicles fall within the definition of vehicles eligible for exemption. A vehicle shall be considered eligible for exemption if its design parameters [displacement-to-weight ratio (D/W) and engine speed-to-vehicle speed (N/V)] simultaneously fall within the exempted range for that manufacturer for that year. The exempted range is determined according to the following procedure:

4. Section 86.082-9 is amended by revising paragraph (g) to read as follows:

**§ 86.082-9 Emission standards for 1982 and later model year light-duty trucks.**

(g)(1) Any light-duty truck that a manufacturer wishes to certify for sale at low altitude must also be capable of meeting high-altitude emission standards (specified in paragraphs (d) through (f) of this section). The

manufacturer may specify vehicle adjustments or modifications to allow the vehicle to meet high-altitude standards but these adjustments or modifications may not alter the vehicle's basic engine, inertia weight class, transmission configuration, and axle ratio.

(i) A manufacturer may certify unique configurations to meet the high-altitude standards but is not required to certify these vehicle configurations to meet the low-altitude standards.

(ii) Any adjustments or modifications that are recommended to be performed on vehicles to satisfy the requirements of paragraph (1) of this section:

(A) Shall be capable of being effectively performed by commercial repair facilities.

(B) Must be included in the manufacturer's application for certification.

(2) The manufacturer may exempt 1982 model year light-duty trucks from high-altitude emission standards as set forth in paragraph (d) of this section. No specific justification for the exemption need be included in the application for certification. The exemptions may include up to 30 percent of the manufacturer's projected light-duty truck sales for principal use at designated high-altitude locations for the 1982 model year. For this purpose, the sales percentage will be based on sales projections for individual vehicle configurations to be exempted. Exemptions will cover individual vehicle configurations, or groups of vehicle configurations, as specified by the manufacturer.

(3) The sale of a vehicle for principal use at a designated high-altitude location that has been exempted as set forth in paragraph (g)(2) of this section will not be considered a violation of Section 203(a)(1) of the Clean Air Act.

5. Section 86.082-24 is amended by revising paragraph (b)(1)(v); renumbering and revising paragraphs (b)(1)(vii)(D) and (E) as (b)(1)(viii) and (ix) respectively, and adding paragraph (b)(1)(x) to read as follows:

**§ 86.082-24 Test vehicles and engines.**

(b)(1) \* \* \*

(v) For high-altitude exhaust emission compliance for each engine family, the manufacturer shall follow one of the following procedures:

(A) The manufacturer will select for testing under high-altitude conditions the worst-case vehicle configuration from the nonexempt vehicles selected in accordance with § 86.082-24(b)(1)(ii), (iii), and (iv) of this section or,

(B) In lieu of testing vehicles according to paragraph (A) of this section, a manufacturer may provide a statement in its application for certification that, based on the manufacturer's engineering evaluation of such high-altitude emission testing as the manufacturer deems appropriate,

(1) the vehicles sold for principal use at designated high-altitude locations comply with the high-altitude emission requirements and,

(2) that all other vehicles sold at low altitude and not exempt under § 86.082-8(g)(2) and § 86.082-9(g)(2) are capable of being modified to meet high-altitude standards.

(viii) For high-altitude evaporative emission compliance for each evaporative emission family, the manufacturer shall follow one of the following procedures:

(A) The manufacturer will select for testing under high-altitude conditions the one nonexempt vehicle previously selected under paragraphs (b)(1)(vii)(A) or (B) of this section which is expected to have the highest level of evaporative emissions when operated at high altitude, or

(B) In lieu of testing vehicles according to paragraph (A) of this section, a manufacturer may provide a statement in its application for certification that, based on the manufacturer's engineering evaluation of such high-altitude emission testing as the manufacturer deems appropriate,

(1) the vehicles sold for principal use at designated high-altitude locations comply with the high-altitude emission requirements and,

(2) that all other vehicles sold at low altitude and not exempt under § 86.082-8(g)(2) and § 86.082-9(g)(2) are capable of being modified to meet high-altitude standards.

(ix) Vehicles selected under paragraph (b)(1)(v)(A) of this section may be used to satisfy the requirements of (b)(1)(viii)(A) of this section.

(x)(A) The manufacturer may reconfigure any of the low-altitude emission-data vehicles to represent the vehicle configuration required to be tested at high altitude.

(B) The manufacturer is not required to test the reconfigured vehicle at low altitude.

6. Section 86.082-30 is amended by revising paragraph (a)(4) to read as follows:

**§ 86.082-30 Certification.**

(a) \* \* \*

(4) The adjustment or modification of any light-duty vehicle and light-duty truck in accordance with instructions

provided by the manufacturer for the altitude where the vehicle is principally used will not be considered violation of Section 203(a)(3) of the Clean Air Act. A violation of Section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act, which is not configured to meet:

7. Section 86.083-9 is amended by revising paragraphs (c), (d)(1), (e)(1), (f), (g)(1), and (g)(2) to read as follows:

**§ 86.083-9 Emission standards for 1983 and later model year light-duty trucks.**

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 and later model year gasoline-fueled light-duty truck.

(d)(1) Model year 1983 light-duty trucks sold for principal use at a designated high-altitude location shall be capable of meeting the following exhaust emission standards when tested under high-altitude conditions.

(e) (1) Fuel evaporative emissions from any 1983 model year gasoline-fueled light-duty truck sold for principal use at a designated high-altitude location shall not exceed 2.6 grams per test when tested under high altitude.

(f) No crankcase emissions shall be discharged into the ambient atmosphere from any 1983 model year gasoline-fueled light-duty truck sold for principal use at a designated high-altitude location.

(g)(1) Any light-duty truck that a manufacturer wishes to certify for sale at low altitude must be capable of meeting high-altitude emission standards (specified in paragraphs (d) through (f) of this section). The manufacturer may specify vehicle adjustments or modifications to allow the vehicle to meet high-altitude standards but these adjustments or modifications may not alter the vehicle's basic engine, inertia weight class, transmission configuration, and axle ratio.

(i) A manufacturer may certify unique vehicle configurations to meet the high-altitude standards. The manufacturer is not required to certify these vehicle configurations to meet the low-altitude standards.

(ii) Any adjustments or modifications that are recommended to be performed on vehicles to satisfy the requirements of paragraph (1) of this section:

(A) Shall be capable of being effectively performed by commercial repair facilities.

(B) Must be included in the manufacturer's application for certification.

(2) The manufacturer may exempt vehicles from the high-altitude emission standards as set forth in paragraph (d) of this section if the vehicles are not intended for sale at high altitude and if the vehicles fall within the definition of vehicles eligible for exemption. A vehicle shall be considered eligible for exemption if its design parameters [displacement-to-weight ratio (D/W) and engine speed-to-vehicle speed (N/V)] simultaneously fall within the exempted range for that manufacturer for that year. The exempted range is determined according to the following procedure:

\* \* \* \* \*

#### PART 600—FUEL ECONOMY OF MOTOR VEHICLES

8. The authority citation for Part 600 reads as follows:

Authority: Section 301, Pub. L. 94-163, 89 Stat. 901 et seq. (15 U.S.C. 2001, 2003, 2005, 2006).

9. Section 600.510-80 is amended by revising paragraph (b)(2)(v) to read as follows:

§ 600.510-80 Calculation of average fuel economy.

\* \* \* \* \*

(b)(2) \* \* \*

(v) At the manufacturer's option, those vehicle configurations that are self-compensating to altitude changes may be separated by sales into high-altitude sales categories and low-altitude sales categories. These separate sales categories may then be treated (only for the purpose of this section) as separate configurations in accordance with the procedures of paragraph § 600.207(a)(3)(ii), and

\* \* \* \* \*

[FR Doc. 81-12262 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-26-M

#### 40 CFR Part 180

[PP OF2384/R313; PH-FRL 1769-2]

#### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dimethylformamide

##### Correction

In FR Doc. 81-6926 appearing at page 15124 in the issue for Tuesday, March 3, 1981, make the following corrections:

(1) On page 15124, in the third column,

in the "Summary" paragraph, in the fifteenth line, the chemical "trioforine" should have been "triforine".

(2) On page 15124, in the third column, in "Supplementary Information", in the seventh line, "of the EPA" should have read "to the EPA".

(3) On page 15125, in the first column, in the first line, "trioforine" should have read "triforine".

(4) On page 15125, in the middle column, in the authority citation above Edwin L. Johnson's signature, "Sec. 4(8e)" should have read "Sec. 408(e)".

BILLING CODE 1505-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Office of the Secretary

##### 49 CFR Part 1

[OST Docket No. 1; Amendment No. 1-160]

#### Delegation of Authority to the United States Coast Guard Commandant

AGENCY: Department of Transportation (DOT).

ACTION: Final rule.

**SUMMARY:** This rule delegates to the Commandant of the United States Coast Guard the authority to exercise the authority granted to the Secretary of Transportation by the General Services Administrator, by letter of January 6, 1981, to acquire special purpose space in urban centers to house the United States Coast Guard (CG) recruiting offices. This action is needed to expressly provide the delegation of that authority and to ensure that its exercise is consistent with similar or related functions and responsibilities of the Commandant.

**EFFECTIVE DATE:** April 23, 1981.

**FOR FURTHER INFORMATION CONTACT:** Lynne Adams-Whitaker, Office of Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, Telephone: (202) 426-4723.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to Departmental management, procedures and practices, notice and public comment on it are not required and it may be made effective in fewer than thirty (30) days after publication in the Federal Register.

##### Discussion of the Regulation

On January 6, 1981, in response to a request by the Secretary of Transportation, the Administrator of the General Services Administration delegated to him his authority to lease space in urban centers, as defined in 41 CFR 101-18.102, for Coast Guard recruiting offices. The delegation also

authorized the Secretary to acquire this space for firm term leases up to five (5) years pursuant to the authority granted in Section 210(h) (1) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. Further, the delegation authorized the Secretary to redelegate this authority to any officer, official or employee of the Department of Transportation. The authority granted herein shall be exercised in accordance with the requirements and limitations of the above-cited Act and other applicable statutes and regulations including the Public Buildings Act of 1959 (73 Stat. 497), as amended.

Pursuant to this delegation, a Memorandum of Understanding (MOU) was prepared to establish procedures for implementation of that delegation of leasing authority. The MOU contains the administrative procedures to be used in present and future Coast Guard recruiting office leases.

In consideration of the foregoing, Part I of Title 49 of the Code of Federal Regulations is amended by adding at the end of § 1.46 a new paragraph, (dd), to read as set forth below:

##### § 1.46 Delegations to the United States Coast Guard Commandant

The Commandant of the Coast Guard is delegated authority to—

\* \* \* \* \*

(dd) Exercise all functions of the General Services Administrator pertaining to the acquisition of special purpose space in urban centers, as defined in 41 CFR 101-18.102, to house U.S. Coast Guard Recruiting Offices pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and to acquire such space by firm term leases up to five (5) years in accordance with the authority contained in Section 210(h) (1) of the Federal Property and Administrative Services Act of 1949, as amended. Provided, that such authority is exercised in accordance with the Memorandum of Understanding between the Department of Transportation and the General Services Administration executed on January 27, 1981, for implementation of this delegation.

(Section 9(e), Department of Transportation, 49 U.S.C. 1657(e))

Issued in Washington, D.C. on March 25, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-11923 Filed 4-23-81; 8:45 am]

BILLING CODE 4910-62-M

# Proposed Rules

Federal Register

Vol. 46, No. 78

Thursday, April 23, 1981

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 945

#### Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Proposed Handling Regulation

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposal would require fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanness, maturity and pack requirements. The regulation would promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

**DATE:** Comments due May 24, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Draft Impact Analysis relating to this proposed rule is available on request from Mr. Porter.

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

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

measurably affect costs for the directly regulated 106 handlers.

Marketing Agreement No 98 and Order No. 945, both as amended (7 CFR 945), regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

This proposed regulation is based upon recommendations made by the committee at its public meeting in Pocatello, Idaho, on March 3, 1981.

The proposed regulation is similar to those issued during past seasons. The grade, size, cleanness, maturity, pack and inspection requirements recommended herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. The specific proposed requirements would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and would tend to effectuate the declared policy of the act.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes would be exempt from maturity requirements in order to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) to allow a lot to be shipped which after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipment would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity and pack requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purpose, such shipments would also be exempt. Certified seed and seed pieces cut from stock eligible for certification would be exempt, because requirements for this

outlet differ greatly from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipment differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are proposed for export and prepeeling shipments.

As the 1981-82 marketing season is expected to begin approximately August 1, in order to maximize the benefits of orderly marketing the proposed regulation should become effective as close as possible to that date. Interested persons were given an opportunity to comment on the proposal at an open public meeting on March 3 where it was unanimously recommended by the committee. This proposal is similar to regulations in effect for past seasons. It is hereby determined that the period allowed for comments should be sufficient under these circumstances and will tend to effectuate the declared policy of the act.

#### § 945.339 [Amended]

Section 945.339 (45 FR 50547) is hereby removed and § 945.340 is added to read as follows:

#### § 945.340 Handling regulation.

During the period August 1, 1981, through August 15, 1982, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements.*—

(1) *Grade.* All varieties—U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties*—1 1/8 inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*—Size B if U.S. No. 1 grade.

(3) *Cleanness.* All varieties—"fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose and red skin varieties:* Each year from August 1 through December 31, "moderately skinned"; during other periods no maturity requirements.

(2) *Norgold varieties:* Each year from August 1 through August 15, "moderately skinned"; during other periods "slightly skinned."

(3) *All other varieties:* "Slightly skinned."

(4) *Exceptions:* (i) Subject to compliance with paragraph (b)(4)(iii) of this section, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with paragraph (b)(4)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count- (10 percent over or under	Average count <sup>1</sup> percent over or under	Weight (15 oz. or larger)
Larger than 50 size:			
50.....	45-55	48-53	12-19
60.....	54-66	57-63	10-16
70.....	63-77	67-74	9-15
80.....	72-88	76-84	8-13
90.....	81-99	86-95	7-12
100.....	90-110	95-105	6-10
110.....	99-121	105-116	5-9
120.....	108-132	114-126	4-8
130.....	117-143	124-137	4-8
140.....	126-154	133-147	4-8
Smaller than 140.....			4-8

<sup>1</sup> Applicable to lots.

<sup>2</sup> 10 percent over or under.

<sup>3</sup> 5 percent over or under.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(i) not to exceed 5 percent for undersize; and

(ii) not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade. However, potatoes of U.S. Extra No. 1 grade shall be no smaller than 110 size nor larger than 60 size.

(d) *Inspection.* (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (e) and (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments.* (1) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined. Also, shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export:* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling:* Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards.* (1) Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish report of each shipment

pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. Extra No. 1," "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (7

CFR 2851.1540-2851.1566), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 of the United States Standards for Peeled Potatoes (7 CFR 2852.2421-2852.2433). The term "other processing" had the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the standards for potatoes for the respective State. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(j) *Forms.* Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Dated: April 20, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-12284 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-02-M

## 7 CFR Part 1098

### Milk in the Nashville, Tennessee, Marketing Area; Proposed Suspension of Certain Provisions of the Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed suspension of rule.

**SUMMARY:** This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Nashville, Tennessee, Federal milk order. This action was requested by a handler operating a distributing plant in the regulated area. The proposed suspension would remove the requirement that a distributing plant have route disposition of at least 50 percent of combined receipts and diversions to qualify as a pool plant. The suspension is proposed for May 1981 through August 1981.

**DATE:** Comments are due no later than April 30, 1981.

**ADDRESS:** Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

**SUPPLEMENTARY INFORMATION:** This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1981 in the suspension period if this is found necessary. The initial request for the action was received on April 14, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions

of the order regulating the handling of milk in the Nashville, Tennessee, marketing area is being considered for May 1981 through August 1981:

In § 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant pursuant to § 1098.13" as they appear in the paragraph.

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 30, 1981. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include May 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

### Statement of Consideration

The proposed suspension would make inoperative for May 1981 through August 1981 the provision that a distributing plant each month must dispose of at least 50 percent of its milk receipts as route disposition to qualify as a pool plant. The suspension action was requested by Kraft, Inc., which operates a pool distributing plant regulated under the Nashville order.

Kraft expects to be unable to meet the 50 percent route disposition requirement because milk production has increased and sales have been lost due to the closing of a chain of grocery stores and loss of a school contract. Kraft stated that the need for suspension will be resolved during and after the fall months.

The proponent states that a suspension is necessary to assure that producers regularly supplying a portion of the market's fluid milk requirements continue to share in the proceeds of the market's Class I sales during May through August. Kraft also contends that if its Nashville plant becomes partially regulated, other producers in the market will lose the benefit of Class I proceeds contemplated by the milk order program.

Signed at Washington, D.C., on April 20, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-12280 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-02-M



## 7 CFR Part 1133

**Milk in the Inland Empire Marketing Area; Notice of Proposed Suspension of Certain Provisions**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed suspension of rules.

**SUMMARY:** This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market. The proposed suspension would remove the limit on such movements of milk during the months of May 1981 through August 1981.

**EFFECTIVE DATE:** Comments are due not later than April 30, 1981.

**ADDRESSES:** Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

**SUPPLEMENTARY INFORMATION:** This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1981 in the requested suspension period if this is found necessary. The initial request for the action was received on April 13, 1981.

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

Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the months of May 1981 through August 1981:

In § 1133.13(c) (1) and (2), the words "and 80 percent in any of the months of March through August".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the Federal Register. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include May 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

**Statement of Consideration**

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 70 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 80 percent during all other months. Similarly, the operator of a pool plant may divert up to 70 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of September through February and 80 percent during all other months.

The suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies. The cooperative indicated that its principal pool distributing plant outlet lost one of its customers that accounted for a substantial volume of fluid milk sales. Additionally, the cooperative stated that milk production by its members is approximately 7 percent above last year. Because of these changes

marketing conditions, the cooperative expects its reserve milk supplies during May through August 1981 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, the cooperative believes that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved uneconomically first to pool plants and then to nonpool manufacturing plants, in order to continue producer status for such milk during May through August 1981.

Signed at Washington, D.C., on April 20, 1981.

William T. Manley,  
Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-12279 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-02-M

**NUCLEAR REGULATORY COMMISSION**

## 10 CFR Part 2

[Docket No. PRM-2-10]

**Citizens Advisory Board of the Metropolitan Area Planning Agency for Omaha, Nebraska, and Council Bluffs, Iowa; Denial of Petition for Rulemaking**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission is hereby denying a petition for rulemaking submitted by the Citizens Advisory Board. The petitioner requested a variety of amendments to the Commission's Rules of Practice, 10 CFR Part 2, including provisions for informal hearings where formal hearings would not be held and requests for hearings to be filed by persons not attempting to intervene in the proceeding. Petitioner also sought expanded service of all docket-related papers and the holding of all hearings and meetings at reactor sites at times maximizing public attendance.

**FOR FURTHER INFORMATION CONTACT:** Fredric D. Chanania, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-8689.

**SUPPLEMENTARY INFORMATION:** This petition for rulemaking was filed by the Citizens Advisory Board of the Metropolitan Area Planning Agency for Omaha, Nebraska and Council Bluffs,

Iowa on March 13, 1980. Petitioner sought a number of amendments to the Commission's Rules of Practice, 10 CFR Part 2. The petitioner's proposals were set out in the Federal Register notice requesting comment on the petition. (45 FR 26071, April 17, 1980) In brief, the petitioner sought the following:

1. An amendment to 10 CFR 2.105 which would require that an "informal hearing" be held by the NRC staff in all licensing cases where a "formal hearing" is either unavailable, not requested, or requested and denied.
2. An amendment to 10 CFR 2.714 giving persons not attempting to intervene in a licensing proceeding the right to request a formal hearing.
3. An amendment to 10 CFR 2.715 providing that any person so requesting would be furnished by the Secretary of the NRC all docket-related papers and be sent notice of all hearings, conferences, and informal proceedings.
4. An amendment to 10 CFR 2.751 requiring that all hearings and NRC-licensee/applicant meetings be held at a site and at times maximizing attendance by a majority of persons potentially affected.

Thirteen public comments were received on the petition, all of which opposed the petition. Commenters stressed that petitioner's suggestions would add cost and delay to the licensing process, were unnecessary in view of current NRC rules providing for public participation in licensing, and were subject to abuse by persons seeking only to delay licensing rather than contribute to the process by good faith participation.

We have considered the Citizens Advisory Board petition and the comments submitted in response, and have concluded that the petition should be denied. The reasons for our denial of the Citizens Advisory Board petition may best be understood in light of the NRC's current practice with regard to informal public meetings or hearings, particularly since the substance of most of the concerns expressed by the petitioner are already met under our present practice. We will discuss these matters in response to the four basic areas of concern raised in the Citizens Advisory Board petition.

#### (1) NRC Informal Hearings and Meetings

The NRC currently holds informal public hearings or meetings near the site, in the area of the NRC regional offices, or in the Washington, D.C. area on matters of special public interest relating both to specific nuclear plants and to more generic issues. Recent informal public hearings or meetings have covered a wide range of subjects,

including (a) environmental, health, and safety matters related to applications for construction permits or operating licenses for nuclear power plants, (b) upgrading emergency preparedness plans at operating nuclear power plant sites, (c) the NRC's proposed policy and procedures for enforcement actions, and (d) NRC enforcement actions against specific licensees. Such meetings and hearings are designed and conducted to achieve several objectives: to inform the public of proposed NRC or licensee actions, to enable the public to observe firsthand the NRC regulatory process at work, to air differing views on the matters in issue, and to provide an opportunity for the public to question NRC and licensee personnel directly. To maximize participation, members of the public are generally notified in advance of the informal hearings or meetings through notices published in local newspapers, notices published in the Federal Register, radio and television announcements, or through a combination of these methods.

The public meetings on environmental, health, and safety matters related to applications for construction permits or operating licenses for nuclear power plants are noteworthy. These meetings have generally been in two areas: (1) specific meetings on environmental, health, or safety matters among the NRC staff, licensee/applicant personnel, and the public, and (2) other technical meetings between the NRC staff and the licensee/applicant. Two examples illustrate these types of informal public meetings. In the early stages of NRC consideration of the construction permit application for Palo Verde Units 4 and 5, open public meetings were held in Phoenix, Arizona on environmental matters (October 12 and 13, 1978) and on safety matters (October 17 and 19, 1978). At the Palo Verde meetings, information was presented to the public, and question-and-answer sessions followed.

In connection with a proposed increase of the maximum power rating in the operating license for the Fort Calhoun Nuclear Station, an informal meeting was held on January 16, 1980 in Omaha, Nebraska. NRC staff members participated along with the licensee Omaha Public Power District (OPPD), parties (both individuals and groups) that had previously requested a formal NRC hearing on the matter, and other members of the public. During the meeting, OPPD presented its plans for the power increase, the NRC staff discussed its review of OPPD's proposed power increase, and other participants made their views known and questioned

OPPD and NRC participants. Shortly after the meeting, the request for a formal NRC hearing was withdrawn, and the NRC received favorable comments on the exchange of information and views which had taken place.

Technical meetings between the NRC staff and the licensee or applicant are generally open to the public pursuant to the NRC "Open Meetings" policy, which is fully described in a policy statement issued on June 28, 1978 (43 FR 28058) and in another published on October 20, 1978 (43 FR 49082). Other special meetings are held where circumstances and public interest commend such action. For example, approximately 70 meetings were held in 1980 with the public, local officials, and other interested organizations in the area near the Three Mile Island (TMI) plant on various subjects related to the status of TMI.

As to the three other general subjects mentioned above, approximately 130 informal hearings or meetings took place during 1980 in areas immediately surrounding the operating or proposed nuclear plant itself or in the general areas where such plants are or will be situated. Over 30 of the 130 local meetings focused on the NRC emergency preparedness program. These 30 meetings and workshops involved providing the public with information on proposed NRC emergency preparedness regulations, presenting an evaluation of the status of the emergency preparedness plans for the nuclear power plant in that area, and giving the public an opportunity to question NRC and licensee personnel directly on these topics. In addition, proposed policy and procedures for NRC enforcement actions were discussed at several regional public meetings which took place in 1980. The enforcement policy and procedures and the schedule of meetings were announced in NRC press releases and published in the Federal Register. 45 FR 66754 and 45 FR 69077.

Open, informal meetings have also included matters subject to NRC enforcement actions, usually where licensees had received an NRC notice of violation of the terms or conditions in their construction permits or operating licenses. In 1980, such open enforcement meetings were held, among others, in Athens, Alabama on Browns Ferry Unit 3 (containment penetration closures and TVA operational procedures); in Madison, Indiana on the Marble Hill Nuclear Power Station (upgrade of quality assurance program and construction management activities); in Sacramento, California on the Rancho Seco Nuclear Generating Station (valve

misalignment and administrative procedures); in Bay City, Texas on South Texas Project Units 1 & 2 (construction activities and quality assurance program); in New York City on Indian Point Unit 2 (river water leakage into containment); and in South Haven, Michigan on the Palisades Nuclear Power Station (mispositioned safety system valves and routine surveillance test procedures). At these open meetings, NRC personnel questioned the licensee on various aspects of the violation and proposed or completed remedial actions, with the public observing the entire process. Following this segment of the meeting, the public had an opportunity to question the NRC personnel present and, at times, those of the licensee. Attendance at such open enforcement meetings ranged from one person to large crowds of several hundred persons.

As a result of activities such as the examples noted above, the NRC has found that open, informal meetings and hearings have positive, useful effects in permitting the public to judge for itself the effectiveness of nuclear regulation by the NRC. The NRC staff continues to explore ways to improve its anticipation of matters which have considerable public interest, so that informal hearings and meetings may be scheduled. Open and informal meetings also provide a valuable forum for members of the public to receive information on NRC practices and policies directly from NRC personnel, and to make known their own views on such matters. Positive effects flow from a face-to-face exchange of ideas and from the ability of the public to have question-and-answer sessions. Usually, the questions range from general subjects and NRC regulations and policies to the licensee's actual compliance with such NRC mandates.

The Commission is keenly aware of the public interest in this area and will continue to investigate and encourage approaches which will meaningfully enhance, in a sound and practical manner, the positive effects of public participation in the nuclear licensing process. To that end, increased efforts have been and are being made to afford interested members of the public an opportunity to participate in these informal meetings and hearings at convenient locations, usually in the vicinity of the nuclear power plant location. In addition, providing effective advance notice in widely-disseminated local and national media is obviously necessary and will continue to be part of NRC practice. Finally, the NRC will attempt to schedule such hearings and

meetings with due regard for the most appropriate and convenient time of the day for all concerned. In some of the instances noted above meetings and hearings have continued through the evening well into the early morning hours.

Public participation in the NRC regulatory process is not, however, a goal which can be pursued without regard for budgetary and personnel limitations. The Commission must take into account reductions in its financial resources and limitations on its personnel strength in pursuing the fulfillment of all of the NRC's responsibilities and objectives. In addition, the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Sholly v. NRC*, No. 80-1691 (Nov. 19, 1980), creates further uncertainties for NRC budgetary and personnel resources, pending possible Supreme Court review of that decision. The impact of *Sholly* on the NRC's responsibility to hold formal adjudicatory hearings, if not reversed by the Supreme Court or legislatively, is potentially substantial, and is presently undergoing close scrutiny. Any increase in the number of formal hearings that are ultimately required to be held, above estimates made prior to *Sholly*, will obviously have fiscal and personnel impacts on the NRC's ability to hold informal hearings and meetings that are discretionary in nature. Accordingly, making informal hearings mandatory in all operating license proceedings, as the petitioners have requested here, is not appropriate at this time and we decline to formalize the use of informal hearings as a requirement in all such cases.

Information concerning proposed NRC licensing actions is and will continue to be available in the Federal Register and in NRC Public Document Rooms. Current NRC regulations already provide an avenue for members of the public to request that certain licensing or enforcement actions be taken. See 10 CFR 2.206. Interested members of the public may also request and intervene in adjudicatory hearings pursuant to Section 189 of the Atomic Energy Act providing they can demonstrate the requisite interest at stake, the "standing" requirement. 10 CFR 2.714; see *Portland General Electric Company* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976). Nonetheless, the Commission has discretion to order hearings upon request even where standing has not been shown. *Public Service Company of Indiana* (Marble Hill Nuclear Generating Station, Units 1 and 2), CLI-80-10, 11 NRC 438, 439 (1980). Limited

participation in NRC proceedings by nonparties is also permitted under the current rules. 10 CFR 2.715(a).

In our view these avenues, together with the above-described NRC practice of holding informal hearings and meetings where circumstances warrant, are sufficient to ensure effective public participation in the NRC regulatory process. Mandatory diversion of additional NRC resources to informal public meetings or hearings in every type of license proceeding throughout the entire country, as petitioner seeks here, would adversely affect the ability of the NRC to fulfill its fundamental environmental, health, and safety statutory responsibilities. Substantial delays in the licensing of nuclear power plants could also result, since even minor license amendment actions would have to await conclusion of the informal hearings. The Commission needs to maintain some measure of control in deciding when circumstances warrant the holding of informal public hearings or meetings, and cannot allocate, in advance, the substantial resources necessary to meet the full breadth of the petitioner's request absent a stronger showing of deficiencies in our current practice and of substantially greater benefits to be gained. The TMI experience, with over 70 informal meetings in 1980 alone, demonstrates that the NRC can and will exercise its discretion to involve the public in a substantial manner in deserving situations.

## (2) The Right of Persons Not Attempting To Intervene To Request Formal NRC Hearings

Under current NRC rules, persons seeking to intervene in NRC proceedings must meet a traditional threshold requirement to show how their interests will be affected by the outcome of the proceeding. 10 CFR 2.714(a), (d). See also, *Portland General Electric Company*, *supra*; *Public Service Company of Indiana*, *supra*. The purpose of this requirement of "standing" is to establish that participants in the hearing process will contribute in a meaningful way to the development of a complete record on health, safety and environmental issues. This ensures that the public funds used to provide the adjudicatory resources for such proceedings will not be expended on matters which are of no relevance to the issues then being adjudicated.

Petitioner suggests, however, that any person should be able to request an adjudicatory hearing, irrespective of whether that person can show any personal stake in the outcome of the

hearing and also irrespective of whether that person intends to participate in the hearing itself. We have difficulty in finding significant positive aspects in such a proposal, particularly in light of the above-mentioned practical benefits which result from employing the well-accepted standing requirement. The petitioner's suggestion would essentially abrogate the standing requirement entirely while creating certain anomalous and costly situations. For example, although at times intervenors pose views which differ from those of a licensee/applicant or the NRC staff, it is not difficult to conceive that adoption of petitioner's proposal would lead to empaneling a licensing board and holding a hearing without any participation by a party taking a differing position on the issues. Indeed, petitioner does not state what the issues might be at such a hearing, since the proposed rule change does not require the person requesting the hearing even to identify such issues with particularity. Adjudicatory hearings held under these circumstances would not contribute to the enhancement of the NRC's ability to protect the public health and safety and, in fact, would seem to be an expenditure of NRC resources without any benefit being gained.

#### **Furnishing of Docket-Related Papers and Notices of All Hearing, Conference and Informal Proceedings.**

Petitioner would amend 10 CFR 2.715 to provide for service of all docket-related papers ("all pleadings and papers of record") to any person so requesting, whether or not a participant in the proceeding. This would be an expansion of current practice that seems unnecessary in light of the steps the NRC presently takes to ensure that members of the public have reasonable access to all docket-related papers, notices, and other material. NRC Local Public Document Rooms (LPDR's) are situated near the site of each licensed or proposed nuclear power plant in the United States. Each LPDR contains the entire file of docket-related papers for that site, along with other NRC documents of general public interest. The main NRC Public Document Room in Washington has all dockets and corresponding docket-related papers on file as well as most other publicly-available NRC documents. The LPDR's can usually obtain additional materials for persons requesting them on short notice. Finally, the Freedom of Information Act is available to persons desiring to obtain documents which would not ordinarily be placed in an LPDR or in the main NRC PDR in Washington.

We are confident that these methods adequately provide interested members of the public access to NRC documents, particularly those related to a specific proceeding. Nationwide service upon request would in our view be an unjustifiable expense and would not measurably add to public knowledge regarding NRC proceedings. In addition, the Comptroller General has recently ruled that Section 502 of the 1981 fiscal year Energy and Water Development Appropriations Act (Pub. L. 96-367) prohibits the NRC from providing certain documents and transcripts free of charge to non-applicant parties in adjudicatory proceedings. See Opinion No. B-200585 (Dec. 3, 1980). Certain aspects of the petitioner's proposal would, therefore, seem to be contrary to the Comptroller General's position.

In its present form, 10 CFR 2.715(b) requires that the Secretary of the Commission serve notices of hearing upon all persons requesting such notices. In practice, a docket list relating to each nuclear licensing matter is compiled by the Office of the Secretary, and persons on this list receive direct notification of all hearings, pre-hearing conferences, oral arguments, and other formal proceedings associated with the docket. Hence, a portion of petitioner's request in this area is already current practice. Moreover, all formal proceedings are noticed in the *Federal Register* and in local publications selected as being those reasonably calculated to provide the widest notice to the largest number of potentially affected people. Every effort, including advertisements and press releases, is made to notify the public of informal public meetings to be held near the site. We conclude that the thrust of petitioner's proposal to amend 10 CFR 2.715(b) as to the furnishing of notices of hearings is fully satisfied by current NRC rules and procedures.

#### **(4) Location and Scheduling of Hearings and NRC-Licensee/Applicant Meetings**

Finally, petitioner requests that all hearings and NRC-licensure/applicant meetings be held at a site and at times which will maximize attendance by a majority of persons potentially affected. Most adjudicatory hearings are already held near the relevant nuclear reactor site, usually in the nearest sizeable city or town. Appellate oral arguments in adjudicatory proceedings are, however, generally heard in the Washington, D.C. area. Public meetings of a more informal nature are also ordinarily held near the site, particularly when they involve issues relating to the nuclear plant. Meetings with licensees or applicants may be held either near the plant or

reactor site or in Washington, depending on the nature of the meeting, the convenience to the parties involved, and urgency of the meeting. Except for informal contacts between the NRC staff and the licensee or applicant (telephone conversations, discussions during site visits, etc.), NRC staff-licensure/applicant meetings are generally open to the public and are announced in advance. As noted above, this "Open Meetings" policy is fully described in a policy statement issued on June 28, 1978, 43 FR 28058. It provides that "All meetings conducted by the NRC technical staff as part of its review of a particular domestic license or permit application (including an application for an amendment to a license or permit) will be open to attendance by all parties or petitioners for leave to intervene in the case." The scheduling and location of such meetings is arranged, where possible, with the intent of allowing all interested parties to attend. This has, in some instances, resulted in meetings being held outside of normal business hours, as petitioner appears to suggest.

Requiring that all formal and informal hearings and meetings normally be held proximate to the actual or proposed nuclear plant site would not, in most cases, increase public convenience. Such reactor sites are not located, for obvious reasons, in high population density areas. Most interested members of the public would reside in a nearby population center, and this is where hearings are held under the current system. Furthermore, reactor sites are simply not properly equipped to accommodate large public meetings. We find no demonstrable merit in the petitioner's suggested change to our rules, and we will continue the current practice of holding the majority of adjudicatory hearings and public meetings in a city or town near the operating or proposed power plant site.

As to the petitioner's second point, most adjudicatory hearings are held during normal business hours. However, evening or even weekend sessions are occasionally held to permit intervenors to participate if they are unable to do so during business hours. Such sessions may also be held to hear statements offered by non-parties participating pursuant to 10 CFR 2.715(a). Special informal public meetings, such as those at Three Mile Island, are usually held during non-business hours.

We decline to accept the petitioner's approach for the timing of hearings and meetings, which implies that evenings and weekends should be preferred, as a matter of course, to regular business hours. Where the basic purpose of an

informal meeting is to inform the public (as with meetings at Three Mile Island), evening hours have been used frequently, and we expect such practice to continue. Normal business hours, however, are more appropriate for the conduct of agency business in formal proceedings or in official meetings with the licensee or applicant. There are simply more hours and days available for the conduct of business if normal working hours are utilized. Licensing hearings can be a lengthy process, and would be even more time-consuming if petitioner's suggestion were adopted. We conclude that the efficient conduct of hearings and meetings requires that they generally take place during normal business hours on weekdays. As we have noted above, special arrangements are often made to accommodate members of the public wishing to appear at the hearing but unable to do so during business hours.

For the foregoing reasons, the Commission denies the petition for rulemaking filed by the Citizens Advisory Board. A copy of the Commission's letter of denial is available for public inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C. this 20th day of April, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-12271 Filed 4-22-81; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 18605/80-APC-6]

#### Proposed Alteration of Group II Terminal Control Area; Honolulu, Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to reconfigure the Group II Terminal Control Area (TCA) at Honolulu, Hawaii, which first became effective on November 27, 1980. This action proposes to extend the southern boundary of the TCA to encompass airspace released when Warning Areas W-319 and W-320 were modified and renamed W-181. The increase in TCA airspace would not impose an additional burden on visual flight rules (VFR) operations due to the former nature of the airspace and because of its distance from the land mass.

The objective of this proposal is to provide for the most efficient utilization of the available airspace while accommodating the legitimate concerns of the airspace users and, in particular, to provide the highest degree of safety for passengers in public air transportation.

**DATES:** Comments must be received on or before June 8, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Pacific-Asia Region, Attention: Chief, Air Traffic Division, Docket No. 18605/80-APC-6, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850.

The docket for this action may be examined at the office of the Regional Air Traffic Division, Room 7123, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850 or, at the FAA, Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Albert J. K. Loo, Operations, Airspace and Procedures Branch (APC-530), Air Traffic Division, Federal Aviation Administration, P.O. Box 50109, Honolulu, Hawaii 96850; telephone: (808) 546-8346.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 18605/80-APC-6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date

for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

##### History

The existing Honolulu TCA was developed when Warning Areas W-319 and W-320 were active. Those warning areas were located in international airspace and were utilized by the Department of Defense for military training. The southern boundary of the TCA was designed to coincide with the boundaries of those warning areas. On September 4, 1980, the FAA rescinded W-319 and W-320 through nonregulatory means and replaced them with a new but lesser warning area airspace (W-181).

Warning Area W-181 was described in a Notice of Proposed Rulemaking published in the Federal Register on January 24, 1980 (45 FR 5744). The nonregulatory change which defines W-181 releases airspace which can be efficiently utilized as part of the TCA to more safely expedite arriving and departing traffic at Honolulu International Airport. By extending the southern boundaries of Area "E" of the TCA to a continuous 32-nautical mile arc of the Runway 4R instrument landing system distance measuring equipment, the following advantages would be realized:

1. A standard instrument departure (SID) procedure (CARAT ONE SID) with accompanying transitions could be utilized in accordance with the FAA policy to contain departing aircraft within the TCA until exiting through the TCA ceiling.

2. Arriving aircraft could be more efficiently sequenced because of the additional continuous airspace.

3. The proposed extension would not impose an additional burden on VFR operations due to the former restricted nature of the airspace and because of its 30-mile distance from the land mass.

Section 71.401(b) of Part 71 was republished in the *Federal Register* on January 2, 1981 (46 FR 768).

#### Local Benefits

The modification of the Group II TCA as proposed in this notice, would provide airspace for streamlining air traffic control procedures, thereby making operations more economical for users of the TCA. No adverse economic impact on VFR operations would be expected.

#### Economic Impacts

The FAA is committed to ensuring that the cost of expanding the Honolulu TCA are considered before final regulatory decisions are made. Since all turbine-powered and IFR aircraft would continue to be contained in the TCA as reconfigured, there would be no change in economic effect for those flights. Uncontrolled aircraft should not be impacted because all airspace modified is over water and generally has not previously been utilized for VFR operations. Any adverse economic impacts of the TCA that may now exist would remain the same or decrease for traffic operating outside the TCA.

#### Airspace Outside the United States

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic.

Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

#### Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) by revising the Honolulu, Hawaii, TCA, Area E, to read as follows:

#### Subpart K—Terminal Control Areas

##### § 71.401 Designation.

##### (b) Group II, Terminal Control Areas:

Area E. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within a 32-mile radius of the ILS Runway 4R DME extending from the Honolulu VORTAC 119°T (108°M) radial clockwise to a line 0.5 miles north of and parallel to the Honolulu VORTAC 293°T (282°M) radial, excluding Areas A, B, C, D, G, H and J.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

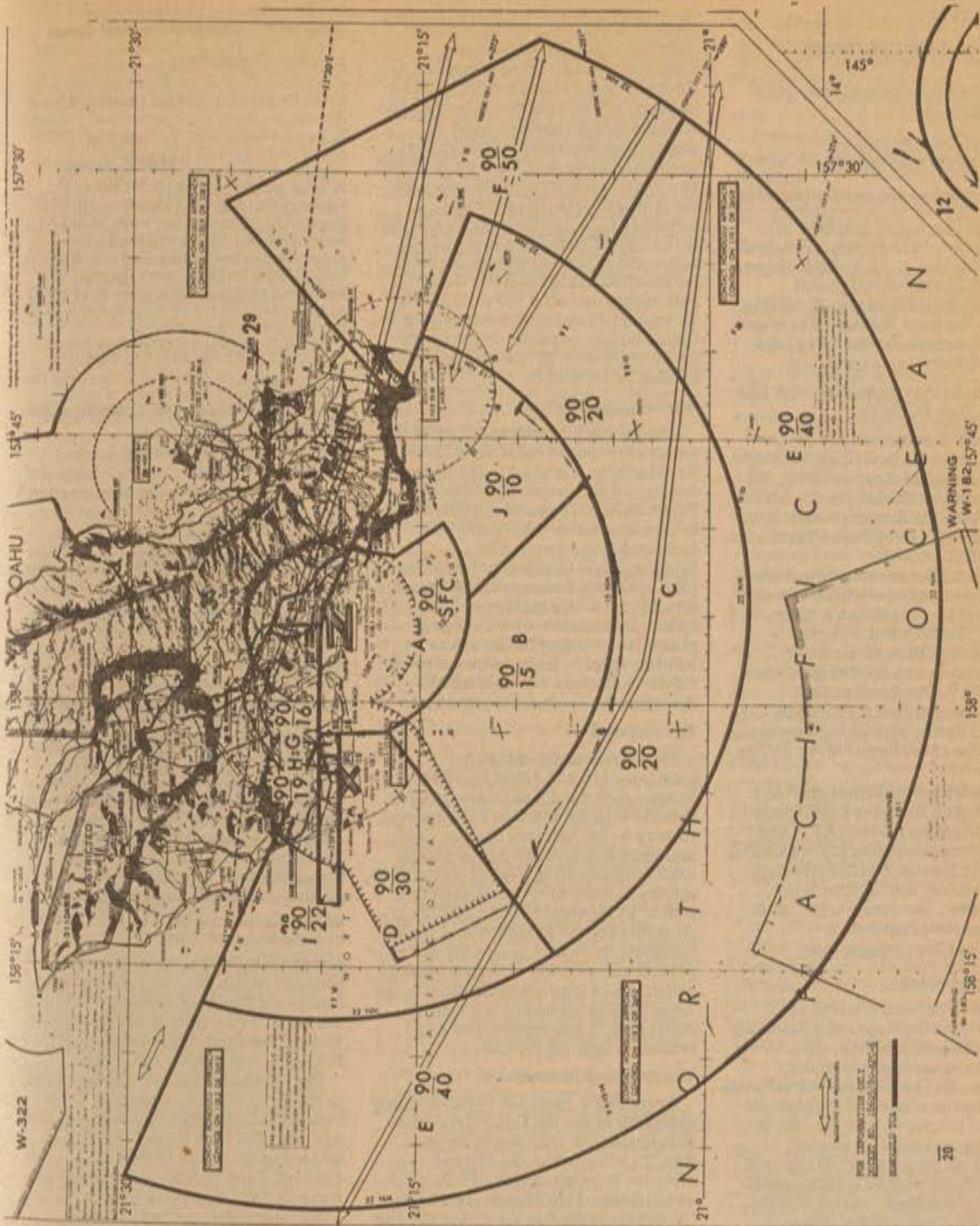
It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. This amendment involves only a small alteration of navigational and air traffic control procedures over a limited area of open ocean.

**Note.**—The FAA has determined that this proposed regulation would not be a major rule under the criteria set forth in Executive Order 12291. Further, this would not be a significant regulation under DOT Regulatory Policies and Procedures (44 FR 11034). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT . . ."

Issued in Washington, D.C., on April 1, 1981.

R. J. Van Vuren,  
Director, Air Traffic Service.

BILLING CODE 4910-13-M



FOR INFORMATION ONLY  
NOV 20 1980  
BILLING CODE 4810-13-C

## 14 CFR Part 71

[Airspace Docket No. 81-AWE-3]

**Proposed Designation of New VOR Federal Airway****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to designate new VOR Federal Airway B-397 from Big Sur, Calif., to Point Reyes, Calif. This airway would permit additional air traffic control flexibility for traffic between the Point Reyes and the San Francisco-Oakland Bay area airports, thereby reducing delays.

**DATES:** Comments must be received on or before May 26, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-3, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations and Obstructions Branch (ATT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments

on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWE-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate new VOR Federal Airway V-397 between Big Sur, Calif., and Point Reyes, Calif. At the present time, traffic utilizing V-27 is given radar service in order to accommodate the traffic. V-397 would permit additional air traffic control flexibility and would designate an airway in an area where aircraft are normally vectored. This action would improve traffic flow in the area. The description of this airway under Part 71 was republished on January 2, 1981 (46 FR 409).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by adding "V-397 From Big Sur, Calif., via INT Big Sur 325°T(309°M) and Point Reyes, Calif., 180°T(163°M) radials; to Point Reyes."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 2, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-12006 Filed 4-22-81; 8:45 am]

**BILLING CODE 4910-13-M**

## 14 CFR Part 71

[Airspace Docket No. 81-ASW-7]

**Proposed Revocation of VOR Alternate Airways and Designation of VOR Federal Airways****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revoke a segment of VOR Federal Airways V-12N and V-12S between Tucumcari, N. Mex., and Gage, Okla., and designate new VOR Federal Airways V-390 and V-402 between Tucumcari and Gage. This action responds to our commitment to eliminate alternate airway designations.

**DATES:** Comments must be received on or before May 26, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-7, Federal Aviation Administration, P.O. Box 1669, Fort Worth, Tex. 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis W. Still, Airspace Regulations



and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

##### The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the

Federal Aviation Regulations (14 CFR Part 71) to revoke V-12N and V-12S between Tucumcari, N. Mex., and Gage, Okla., and designate new VOR Federal Airways V-390 and V-402 from Tucumcari to Gage. This change will improve flight planning and save a significant amount of fuel due to the shortened distances. Also, the elimination of these alternate airways is consistent with policy to revoke all alternate routes. The description of these airways under Part 71 was republished on January 2, 1981, (46 FR 409).

##### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), as follows:

##### § 71.123 [Amended]

1. By amending the description of V-12 by removing the words—

"Tucumcari, N. Mex., Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.;"

and substituting for them the words—

"Tucumcari, N. Mex.; Amarillo, Tex.; Gage, Okla.; Anthony, Kans.;"

2. By adding two new airways V-390 and V-402 to read as follows:

"V-390 From Tucumcari, N. Mex., via Borger, Tex.; INT Borger 061°T(050°M) and Gage, Okla., 249°T(239°M) radials to Gage."

"V-402 From Tucumcari, N. Mex., via INT Tucumcari 101°T(089°M) and Amarillo 252°T(241°M) radials; Amarillo; INT Amarillo 072°T(061°M) and Gage, Okla., 214°T(204°M) radials; to Gage."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less

than 45 days, and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 2, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12009 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 81-AEA-5]

### Proposed Alteration of Airway V-268

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to alter a low altitude airway in the vicinity of Hagerstown, Md., and Indian Head, Pa. The proposed change will eliminate a small segment of V-268 and redefine the airway to permit flight from northwest of and via Indian Head, then direct to Hagerstown. The route is presently used as an arrival and departure radar vector route for traffic to and from Pittsburgh and Hagerstown. This action would reduce coordination communication time and the existing airway mileage.

**DATES:** Comments must be received on or before May 26, 1981.

**ADDRESSES:** Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-5, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AEA-5." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Federal Airway V-268. The segment of V-268 between Hagerstown, Md., and Flint intersection would be deleted. V-268 would be redefined starting at Nesto intersection, then direct Indian Head, and thence to Hagerstown. The route is presently used as an arrival and departure radar vector

route for traffic to and from Hagerstown and Pittsburgh. This action would designate an airway for this present vector route, thereby reducing coordination communication time and existing airway mileage. The description of this airway under Part 71 was republished on January 2, 1981 (46 FR 409).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Airway V-268 under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), by deleting the words "From INT Grantsville, Md., 086° and Martinsburg, W.Va., 297° radials;" and substituting for them the words "INT Morgantown, W.Va., 010°T(015°M) and Johnstown, Pa., 260°T(266°M) radials; Indian Head, Pa.;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 1, 1981.

**B. Keith Potts,**

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 81-12007 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****15 CFR Part 970****Deep Seabed Mining Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Analysis; Notice of Availability**

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of availability.

**SUMMARY:** On March 24, 1981 (46 FR 18448), the National Oceanic and Atmospheric Administration (NOAA) published proposed regulations for deep

seabed mining exploration licenses. Notice is hereby given of the availability of a Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Analysis pertaining to these proposed rules.

**DATE:** Comments on this analysis must be submitted on or before May 29, 1981.

**ADDRESS:** Copies are available from, and comments may be submitted to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Room 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

**FOR FURTHER INFORMATION CONTACT:**

James P. Lawless, Office of Ocean Minerals and Energy, NOAA, Page Building 1, Room 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235. Telephone: (202) 653-8257.

**SUPPLEMENTARY INFORMATION:** On March 24, 1981 (46 FR 18448), NOAA published proposed rules, in accordance with Pub. L. 96-283, the Deep Seabed Hard Mineral Resources Act, on the procedures and substantive requirements pursuant to which United States citizens may apply for and NOAA will issue deep seabed mining exploration licenses. The preamble to the proposed rules included a summary discussion of alternative regulatory approaches and of a regulatory flexibility analysis, and reported that a regulatory impact analysis was being conducted pursuant to Executive Order 12291. This notice is to announce the availability of the Preliminary Regulatory Impact Analysis and Initial Regulatory Flexibility Analysis on the above proposed rules, and to invite public comment on the analysis. Copies may be reviewed at or obtained from the Office of Ocean Minerals and Energy at the above address.

Dated: April 17, 1981.

**Francis J. Balint,**

*Acting Director, Office of Management and Computer Systems.*

[FR Doc. 81-12220 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-12-M

**DEPARTMENT OF DEFENSE****Defense Logistics Agency****32 CFR Part 1293**

[DLAR 1000.22]

**Environmental Considerations in DLA Actions in the United States**

**AGENCY:** Defense Logistics Agency (DLA), DOD.

**ACTION:** Proposed rule.

**SUMMARY:** The DLA proposes a new rule to implement the National Environmental Policy Act. The proposed rule provides policy and procedures for consideration of environmental matters in the DLA decisionmaking process. The proposed rule implements the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR Parts 1500-1508) and DoD Directive 6050.1, Environmental Effects in the United States of DoD Actions. Interested persons are invited to participate in this rulemaking by submitting comments to the point of contact listed below.

**DATE:** Comments must be received by May 30, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jan Reitman, Commercial—AC 202-274-6967; Autovon—284-6967.

By order of the Director.  
R. F. McCormack,  
Colonel, USA, Staff Director, Administration.

Part 1293, Subchapter B, Chapter XII of Title 32 of the Code of Federal Regulations is added to read as follows:

**PART 1293—ENVIRONMENTAL CONSIDERATIONS IN DLA ACTIONS IN THE UNITED STATES**

- Sec.  
129.1 Purpose and scope.  
129.2 Policy.  
129.3 Definitions.  
129.4 Background.  
129.5 Responsibilities.  
129.6 Procedures.  
129.7 Forms and Reports.

Appendix A—DLA NEPA Procedures.

**Authority:** DoD Directive 6050.1, Environmental Effects in the United States of DoD Actions.

**§ 1293.1 Purpose and scope.**

To establish policy, assign responsibilities, provide guidance, and establish procedures for the integration of environmental considerations into DLA planning and decisionmaking in accordance with the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508). The provisions of this Part 1293 apply to proposed plans, decisions, and actions of HQ DLA and DLA field activities which could have an impact on the human environment, and implement DoD Directive 6050.1, Environmental Effects in the United States of DoD Actions. Contractors under the administrative cognizance of the Defense Contract Administration Service (DCAS) are excluded.

**§ 1293.2 Policy.**

(a) It is the continuing policy of the DLA to carry out its mission in a manner consistent with the National Environmental Policy Act (NEPA) and implementing regulations. All practicable means not in conflict with statutory authority will be employed to minimize or avoid adverse environmental consequences and to attain the following objectives:

- (1) Provide safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- (2) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other unintended adverse consequences.
- (3) Preserve important historic, cultural, and natural resources, and maintain an environment which supports diversity and variety of individual choice, where possible.
- (4) Achieve a balance between resource use and development within the carrying capacity of the ecosystem involved.
- (5) Enhance the quality of renewable natural resources by promoting conservation and recycling of depletable resources.

(b) To accomplish these objectives, DLA activities will integrate the requirements of NEPA with other planning and review procedures so that all such procedures run concurrently rather than consecutively. Planners and decisionmakers will consider environmental values and amenities concurrent with economic and technical considerations. In particular, DLA activities will:

- (1) Use a systematic, interdisciplinary approach in developing environmental documents and conducting environmental review processes.
- (2) Include environmental considerations in planning and decisionmaking to the greatest extent practicable even when specific environmental documents are not required.
- (3) Consider all reasonable alternative courses of action in the planning of any proposed action where there is the potential for environmental controversy over the proposed use of resources.
- (4) Make decisions based on an understanding of environmental consequences.
- (5) Encourage public involvement in actions which affect the quality of the human environment and, where appropriate, invite cooperation and assistance from Federal, state, regional, and local authorities and the public.

**§ 1293.3 Definitions.**

With the exception of those listed below, the terms used in this part 1293 are defined in enclosure 2,<sup>1</sup> Part 1508.

(a) *CEQ*. Council on Environmental Quality in the Executive Office of the President.

(b) *CEQ Regulations*. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500-1508, November 29, 1978.

(c) *Environmental Documents*. Those documents which must be prepared at specified stages of the DLA Environmental Review Process including an Environmental Assessment, a Finding of No Significant Impact, a Record of Determination, a Notice of Intent, a Draft Environmental Impact Statement, a Final Environmental Impact Statement, and a Record of Decision.

(d) *Environmental Review*. Those actions required by NEPA and the CEQ Regulations to evaluate the environmental consequences of a proposed action.

(e) *Proponent*. A headquarters staff element or field activity. The former is normally the staff element charged with establishing program objectives and policies and overall management of a program. The latter is an activity responsible for the detailed planning and implementation of an action in accordance with an assigned mission.

(f) *United States*. All states, the District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef. For the purpose of this part 1293, United States also includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Marianas.

**§ 1293.4 Background.**

(a) NEPA establishes national policies and goals for the protection of the environment. This law contains certain procedural requirements directed toward the attainment of such goals. In particular, all Federal Agencies are required to give appropriate predecisional consideration to the environmental effects of their actions

<sup>1</sup> Filed with the original document.

and to prepare detailed statements regarding major Federal actions significantly affecting the quality of the human environment.

(b) Executive Order 11991, May 24, 1977, directed CEQ to issue regulations to supersede previous guidelines on the implementation of the procedural provisions of NEPA. Accordingly, CEQ issued final regulations (40 CFR Parts 1500-1508), 29 Nov. 78, to achieve a reduction in excessive paperwork and time delays associated with accomplishing environmental reviews and to improve decisionmaking within the Government. These regulations also direct each Federal Agency to issue implementing procedures to supplement the CEQ Regulations. DoD issued its implementing procedures in DoD Directive 6050.1.

#### 1293.5 Responsibilities.

(a) *HQ DLA*—(1) *The Staff Director, Installation Services and Environmental Protection, DLA (DLA-W)* will:

(i) Exercise primary staff responsibility for coordinating and monitoring NEPA activities within DLA.

(ii) Serve as the HQ DLA primary point of contact on matters pertaining to this Part 1293.

(iii) Monitor DLA proposed decisions which have environmental implications to ensure that environmental considerations are integrated into the decisionmaking process.

(iv) Resolve issues regarding the need for formal environmental documents.

(v) Staff, approve, and publish all changes to the DLA list of Categorical Exclusions.

(vi) Provide assistance and advice on the preparation and processing of environmental documents, and ensure that DLA documents fulfill the requirements of the CEQ Regulations.

(vii) Prepare environmental documents on actions for which HQ DLA is the proponent.

(viii) Review and provide comments on environmental documents submitted by other DoD components and other Federal Agencies on actions which could affect DLA operations.

(ix) Receive copies of FONSI, EAs, Notices of Intent, Draft and Final EISs, and Records of Decision.

(x) Publish or file notices on the availability of DLA environmental documents.

(xi) Designate primary responsibility in preparing and processing environmental documents when more than one DLA activity is involved.

(xii) Provide the Chairperson of the HQ DLA Environmental Coordination Committee.

(xiii) Receive copies of Records of Determination prepared by PLFA Environmental Staff Officers.

(2) *The Counsel, DLA (DLA-G)* will provide legal advice and assistance in the interpretation of NEPA and CEQ Regulations, and participate in the preparation of environmental documents as requested.

(3) *The Special Assistant for Public Affairs, DLA (DLA-B)* will:

(i) Make DLA EISs available to the public except for portions that are classified.

(ii) Coordinate the public release of DLA EISs with the Office of the Secretary of Defense to ensure that appropriate security procedures are observed.

(4) *The Heads of DLA Principal Staff Elements* will:

(i) Apply the policies and procedures set forth in this Part 1293 to programs and actions within their areas of responsibility.

(ii) Determine the need for environmental documentation early in the planning of an action not covered by a Categorical Exclusion.

(iii) Designate to DLA-W a single point of contact for coordinating environmental matters pertaining to this Part 1293. This individual will serve as the staff representative to the HQ DLA Environmental Coordination Committee.

(iv) Review and provide comments on environmental documents covering actions within their areas of functional responsibility.

(v) Coordinate with DLA-W proposed Headquarters Staff Instructions, regulations, manuals, and other policy publications that have environmental implications.

(b) *Field Activities*—(1) *Heads of DLA Primary Level Field Activities (PLFAs)* will:

(i) Develop and implement, as necessary, internal procedures for assessing environmental consequences of continuing and proposed programs; proposed regulations, instructions, manuals and other policy publications; and proposed actions for which they are the proponent. In addition, they will prepare, coordinate, and process environmental documents required for such actions within their areas of responsibility.

(ii) Ensure that adequate funds are applied to comply with the provisions of this Part 1293.

(iii) Designate to DLA-W an Environmental Staff Officer for coordinating and implementing environmental matters pertaining to this Part 1293.

(2) *Commanders of DCSC, DESC, DFSC, DGSC, DPSC, DDOU, DDMT,*

*DDTC, AND DPDS, in addition to fulfilling the responsibilities in paragraph (b)(1) of this section, will:*

(i) Establish an Environmental Coordination Committee, or expand the functions of an existing committee, for the purpose of identifying issues having potential adverse environmental consequences and recommending possible courses of action.

(ii) Establish a continuing program to assure that sufficient personnel are properly trained in the requirements of NEPA, the CEQ Regulations, and the provisions of this Part 1293.

#### § 1293.6 Procedures.

DLA activities will adhere to procedures for the processing of environmental documents as set forth in Appendix A.

#### § 1293.7 Forms and reports.

The environmental documents required by this Part 1293 are assigned Report Control Symbol DD-M(AR)1327.

#### Appendix A—DLA NEPA Procedures

##### I. General

###### A. Applicability

1. The types of actions subject to environmental review include:

a. Policies, regulations, and procedures (e.g. regulations, manuals, instructions, mission changes).

b. Management programs and operational plans (e.g., contract administration, commodity management, property disposal).

c. Projects (e.g. construction projects, depot modernization).

d. Activities (e.g. installation operations).

2. In addition to the above, an environmental review may be required for certain activities supported by DLA through:

a. Federal contracts and equipment loans.

b. Lease, permit, license or other entitlements for use of real property (e.g. grant of easement for utilities).

###### B. Classified Actions

1. Limited exceptions to the procedural provisions of this regulation for proposed classified actions are contained in enclosure 2, § 1507.3(c). Further, the provisions of DLAR 5400.13, Clearance of Information for Public Release, will be observed.

2. Classified information will be kept separate from unclassified matter whenever possible to enable environmental documents to be processed routinely in accordance with this regulation. Classified portions will only be provided to reviewers and decisionmakers with a need-to-know in accordance with current security regulations. Questions on the application of these provisions may be referred to DLA-W.

##### II. Environmental Review Procedures

###### A. General

1. The environmental review procedures to be used within DLA are depicted in figure 1. This diagram identifies a series of sequential

decisions to be made by the proponent early in the planning of an action, and the follow-on actions with the associated documentation needed to complete the environmental review process. An explanation of these decision points and the content and format of each of the action document identified in the diagram is provided herein.

2. The initial decisions in this process are to determine what level of environmental review is required for a proposed action. As indicated by the diagram, no review is required when the proposed action is exempt by law, an emergency action, designated a Categorical Exclusion, or has been adequately evaluated in an existing EA or EIS. When the foregoing conditions do not apply, a determination as to the type of EA, program or individual, is then considered. If it is known from the outset that the proposed action being considered will have a significant impact on the human environment, a Draft EIS will be prepared directly without an EA.

#### B. Environmental Review Decisions

##### 1. Actions Exempt by Law:

a. Certain specific actions are exempt by law from complying with NEPA requirements. An exemption based on security of classified information is discussed in paragraph 1 B above.

b. The applicability of a law to this type of exemption must be obtained from available counsel. Following approval, DLA Form 1664, Record of Determination Environmental Evaluation, will be completed by the responsible official for inclusion in the master activity or project file.

##### 2. Emergency Actions:

a. In an emergency, DLA may be required to take immediate action having significant environmental impact. However, these actions will be initiated only for reasons of national defense or for the protection of life or property.

b. HQ DLA (DLA-W) will promptly notify the Assistant Secretary of Defense (MRA&L) of the emergency action. ASD (MRA&L) will consult with CEQ as required in enclosure 2, § 1506.11. An emergency action will not be delayed for the purpose of complying with this DLAR or the CEQ Regulations. However, DLA activities will coordinate emergency actions having significant environmental impact with affected agencies and members of the public to the extent that time allows.

##### 3. Categorically Excluded Actions:

a. Categorical Exclusions are recurring type actions that do not individually or cumulatively have a significant impact on the environment, and do not require preparation of an EA or EIS. The types of DLA actions which normally qualify for categorical exclusion are listed in attachment 1.

b. The DLA list of Categories Exclusions is subject to periodic review and modification. Changes may be made by HQ PSEs and DLA PLFAs by submitting their recommendations along with adequate justification to DLA-W. Field activities are prohibited from modifying the list through supplements to this regulation.

##### 4. Actions Covered by Existing EA or EIS:

a. Actions previously evaluated in an EA or EIS do not have to be reassessed for

environmental consequences when the following conditions apply:

(1) A proposed action is identical to one that has been previously evaluated or so similar that the same environmental conditions apply.

(2) Only a part of a previously proposed action has been implemented, and it is determined subsequently to implement the remainder. However, conditions during the time interval must not have changed materially from those previously assessed.

b. A proposed action which is not adequately covered in an existing EA or EIS shall be given further environmental analysis. This may be accomplished by preparing a supplement to the existing EA or EIS in lieu of preparing a new and separate document.

##### 5. Actions to be Covered in an Environmental Assessment:

a. *Program Environmental Assessment.* An EA may be either a program or an individual assessment. The program assessment is prepared for broad-scope actions, such as policies, regulations or Agency-wide programs. These are actions that normally affect all or most PLFAs, and have relevant similarities, such as common timing, impacts, alternatives methods of implementation, or subject matter. Under these circumstances, one rather than a series of individual assessments covering a number of installations or activities would be prepared.

##### b. Individual Environmental Assessments:

(1) b. Individual EA may be prepared to cover either a site specific action or proposals or parts of broad proposals which are closely enough related to each other to be a single course of action.

(2) The following are types of DLA actions which normally require preparation of an individual EA:

(a) Construction which may significantly alter land use, or which may result in significant environmental consequences when completed and operated.

(b) Installation Pest Management Plan.

(c) Change in installation land use which may alter environmental conditions.

(d) Repair or alteration projects affecting historical or culturally significant sites, structures or areas.

(e) Actions which could affect prime and unique agricultural land, wetlands, floodplains, coastal zones, rivers in the Nationwide Inventory and similar sensitive areas.

(f) Development of installation master plans, and land and natural resources management plans.

(g) Action involving the excessing of real property with significant environmental impact.

(h) Actions with significant local or regional impacts on energy availability.

(i) Activities that effect any species not on or proposed for the U.S. List of Endangered Species, but which is on an applicable state list of endangered, threatened, or rare species.

(j) Civilian personnel reductions involving relocation to another installation and involving 50 or more personnel or 10 percent or more of the civilian work force.

##### 6. Actions to be Covered in an Environmental Impact Statement:

##### a. Program EIS:

(1) A program EIS is required for a proposed major action which may have a significant impact on the environment. A program EIS would be prepared for broadscope actions for the same reasons discussed previously on actions to be covered in an EA.

(2) Representative major DLA actions for which a program EIS should be considered include:

(a) Major organizational realignments during peacetime, except where the only significant impacts are socioeconomic.

(b) Development of a major program for the acquisition, storage, or disposal of large quantities of hazardous or toxic materials, fossil fuels, or natural resources.

##### b. Individual EIS:

(1) The types of actions normally requiring the preparation of an individual EIS are site specific actions or broad proposals considered as a single action which may significantly degrade environmental quality or public health and safety. Statements should also be prepared when there are highly uncertain environmental effects or unknown environmental risks.

(2) DLA actions which normally require preparation of an individual EIS include:

(a) Construction or major expansion of a facility that would significantly alter land use or result in significant environmental consequences when operational.

(b) Major construction and operation of a facility in or near wetlands, inland waterways, floodplains, coastal zones, or within otherwise ecologically sensitive areas.

(c) Major land acquisition, outleasing, or land excessing actions that may be expected to result in a significant change in land use.

(d) Closure of a major installation, except where the only significant impacts are socioeconomic.

#### C. Preparation and Processing of Environmental Documents

##### 1. General:

a. Any environmental document prepared in accordance with this DLAR shall accompany the appropriate staffing document in the DLA decisionmaking process, and the alternative courses of action presented in these documents will correspond.

b. The manner in which environmental considerations are to be integrated into DLA planning and staffing of major Agency actions is contained in attachment 3 to this enclosure.

c. There is nothing in these regulations to prevent DLA from requesting a contractor to prepare an EA in report form containing relevant environmental information for possible use by DLA in preparing an EA or an EIS. However, the provisions of enclosure 2, § 1506.5, must be observed.

d. The submission of preliminary documentation, leading to the preparation of formal environmental documents, to the appropriate PSE for review and coordination is encouraged.

e. Decisions reached on the level of environmental review required for a proposed action (subparagraph B) determine

the nature and scope of following actions required to complete the environmental review process. The following describes the procedures to be employed in the preparation of documents for actions exempt from further environmental analysis and those required for the preparation and processing of an EA or EIS.

#### 2. Exempt Actions:

##### a. General:

(1) Environmental analysis is not required for actions exempt by law, declared an emergency action, or designated a Categorical Exclusion. In addition, a proposed action covered in a previously completed EA or EIS, or one essentially identical to a previous action covered in an EA or EIS which has no significant environmental impact, needs no further environmental review.

(2) When a proposed action is an unqualified Categorical Exclusion, the proponent of the proposed action may proceed with implementation. However, if the action has associated unusual circumstances, the activity Environmental Staff Officer shall be required to make the decision as to whether further environmental review is necessary. Similarly, the Environmental Staff Officer shall be requested to determine whether a proposed action falls within the scope of an existing approved EA or EIS, and is thereby exempt from further evaluation. Such decisions shall be recorded by completing DLA Form 1664, and only when it is concluded that further environmental review is not required may the proponent proceed to accomplish the action.

b. *Record of Determination.* DLA Form 1664 is a written record for the file prepared by the Environmental Staff Officer indicating that no further environmental analysis is required prior to implementation of an action. It includes a brief description of the proposed action and cites projected implementation and completion dates.

#### 3. Environmental Assessment:

a. *General.* An EA is a concise public document that briefly provides sufficient evidence and analysis to identify the nature and scope of environmental impacts of a DLA action and aids in determining whether to prepare an EIS or FONSI (enclosure 2, § 1508.9). It enables DLA to comply with NEPA when no EIS is necessary and it can facilitate preparation of an EIS when one is required.

##### b. Public Participation:

(1) Involvement by environmental organizations and the public in the preparation of an EA is not mandatory, but is considered desirable. Some of the factors to be considered in making such a determination include:

- (a) Magnitude of the proposed action.
- (b) Extent of anticipated public interest.
- (c) Urgency of the proposal.
- (d) Extent of classified information involved.

(2) Applicants for DLA support in accomplishing those actions identified in paragraph 1 A 2 above may be requested to provide information for possible use in preparing an EA. The DLA proponent shall assist the applicant by outlining the types of information required. However, the DLA

activity involved shall independently evaluate the information submitted and shall be responsible for its accuracy. If the activity chooses to use the information submitted by the applicant either directly or indirectly by reference in an EA, then the names of the preparers shall be included in the list of agencies and persons contacted.

(3) DLA activities shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements. Such cooperation may include the preparation of a joint EA, holding joint public hearings, and use of the scoping process (enclosure 2, § 1501.7).

##### c. EA Format and Content:

(1) Preparation of an EA generally does not require the extensive research or detailed documentation required for an EIS. However, the EA shall contain a brief discussion of the following:

- (a) Need for the proposed action.
- (b) Alternatives considered for the proposed action.
- (c) Environmental consequences of the proposed action and alternatives.
- (d) Listing of agencies and persons consulted.
- (e) Conclusion on whether to prepare an EIS or FONSI.

(2) Additional guidance on the preparation of an EA is contained in attachment 2.

(3) The portion of the EA covering the elements (a) through (c) above will not normally exceed 50 double spaced typed pages in length. All EAs over 15 pages in length shall contain a summary of up to 5 pages, a table of contents, and be bound with an appropriate cover.

(4) A supplement to an existing EA shall follow the above format. However, applicable information and analyses already provided in the EA need only be briefly summarized and appropriately referenced in the supplement rather than be fully repeated.

##### d. Finding of No Significant Impact (FONSI):

(1) The FONSI is a document which briefly presents the reasons why a proposed action will not have a significant impact on the human environment and, thus, will not require an EIS. It shall contain the EA or EA supplement, or a summary of it, and references to any related environmental documents.

(2) Each FONSI will be submitted to DLA-W for headquarters review and comment, and then made available to the potentially affected or interested public. Those covering actions of national concern will be published by DLA-W in the *Federal Register*. In addition, local publication of a FONSI will be made by the proponent, but not before publication in the *Federal Register*. In such instances, the text of both announcements must be identical. A FONSI on actions of only local or regional interest will be published by the DLA proponent after headquarters review in accordance with enclosure 2, § 1506.6(b)(3). Copies may also be distributed to appropriate agencies, organizations, and individuals.

##### e. Distribution of EA:

(1) Two copies of each approved EA will be forwarded by the proponent PLFA to DLA-W.

(2) Copies of an EA may be provided to local officials and organizations that may be affected by the proposed action. In addition, copies may be made available to the public and others outside DLA upon request at no charge.

#### 4. Environmental Impact Statement (EIS):

a. *General.* An EIS is a detailed written statement which fully discloses those actions or projects determined to be major Federal actions having a significant impact on the human environment. It differs from an EA in that an EIS contains more detailed analysis, requires positive public participation, and involves more formal preparation and processing as depicted in figure 1. Detailed guidance on the preparation of an EIS is contained in enclosure 2, Part 1502.

##### b. Lead and Cooperating Agency Responsibilities:

(1) When DLA and other Federal agencies are involved in a proposed action, or for such other reasons as identified in enclosure 2, § 1501.5, DLA-W will consult with OSD or appropriate Federal agencies involved to reach an agreement on who will assume lead and cooperating agency responsibilities in the preparation of the EIS.

(2) HQ DLA or a PLFA may be designated a lead or cooperating agency. In such instances, the responsibilities set forth in enclosure 2, § 1501.6, shall be observed.

##### c. Public Participation:

(1) Participation by the public is required in the preparation of an EIS. Public involvement will be accomplished by publishing a Notice of Intent in the *Federal Register* (enclosure 2, § 1508.22), through the scoping process (enclosure 2, §§ 1501.7 and 1508.25), soliciting comments on the Draft EIS (enclosure 2, §§ 1503 and 1506.6), and holding public hearings (enclosure 2, § 1506.6 (c) and (d)).

(2) Announcement of a scoping meeting shall normally be included in the Notice of Intent which will be prepared in accordance with the attached format (figure 2). The proponent will submit the Notice of Intent to DLA-W for review and publication in the *Federal Register*. Arrangements for distribution of a Draft EIS for comment and the scheduling of public hearings will be developed by the proponent in consultation with DLA-W and the other PSEs involved.

(3) A written record shall be prepared of scoping meetings and public hearings for use in preparing the Draft or Final EIS.

##### d. Preparation and Distribution of EIS:

(1) A proposed Draft EIS will be prepared by the proponent PLFA and forwarded with 10 copies to DLA-W for internal HQ DLA review and comment. Staff comments will be provided to the proponent within 30 days to make revisions as necessary and produce a Draft EIS.

(2) After revision by the proponent, 25 copies of the Draft EIS will be forwarded to DLA-W for restaffing as necessary, filing with EPA, and distribution to appropriate Federal agencies and to interested national organizations for comment. The preparing activity will be notified to distribute the Draft EIS to State, regional and local agencies, and to interested members of the public.

(3) At the conclusion of the comment period, the EIS will be revised as necessary and forwarded to DLA-W for filing with EPA.

*e. EIS Preparation and Processing Time Relationships.* Figure 3 depicts the steps and normal time relationships involved in the preparation and processing of an EIS from the time a decision is reached on the need for a statement to the implementation of a proposed action. The indicated time intervals are approximations, except for those specified as minimum requirements. The latter conforms with the provisions set forth

in enclosure 2, § 1506.10.

*f. Implementation of Proposed Action.* After a decision is made, the proponent shall prepare a Record of Decision in accordance with enclosure 2, § 1505.2. If required, a monitoring and enforcement program will be developed in accordance with enclosure 2, § 1505.3. DLA-W will be kept advised of the results of monitoring.

### III. Review of External EIS

#### A. General.

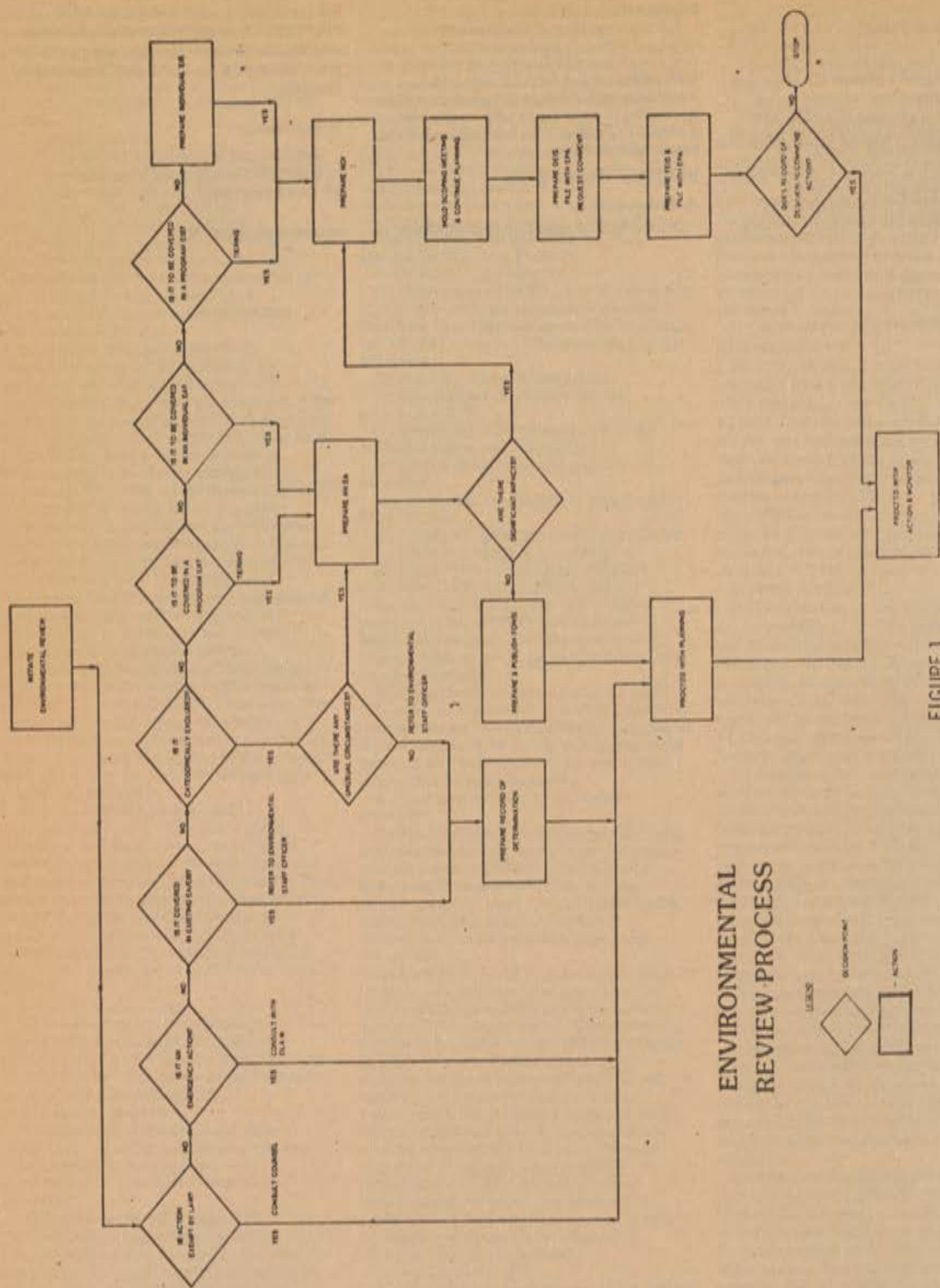
Review and comment by DLA PLFAs on an

EIS prepared by other Federal agencies affecting DLA activities is permitted. Prior to submission of comments objecting to a proposed action, the PLFA shall consult with DLA-W.

#### B. References

Guidance pertaining to the review of external EISs is contained in enclosure 2, §§ 1503.2 and 1503.3.

BILLING CODE 3620-01-M



ENVIRONMENTAL REVIEW PROCESS

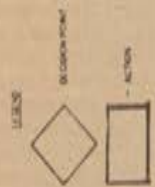


FIGURE 1



## Figure 2

## Format—Notice of Intent

## AGENCY:

\_\_\_\_\_(Name of  
proponent activity.)

**ACTION:** Notice of Intent to prepare a  
Draft Environmental Impact Statement  
(EIS).

**PURPOSE:** To fulfill the requirements of  
Section 102(2) (C) of the National  
Environmental Policy Act, the proponent  
has identified a need to prepare an EIS  
and therefore issues this Notice of Intent  
pursuant to 40 CFR 1501.7.

**FOR FURTHER INFORMATION CONTACT:**

\_\_\_\_\_(Name,

organization, mailing address, and  
telephone number of the point of  
contact).

**SUMMARY:**

1. *Description of the Proposed Action:*  
(Briefly describe proposed action)

2. *Proposed Alternatives:* (Briefly  
describe alternatives to be considered)

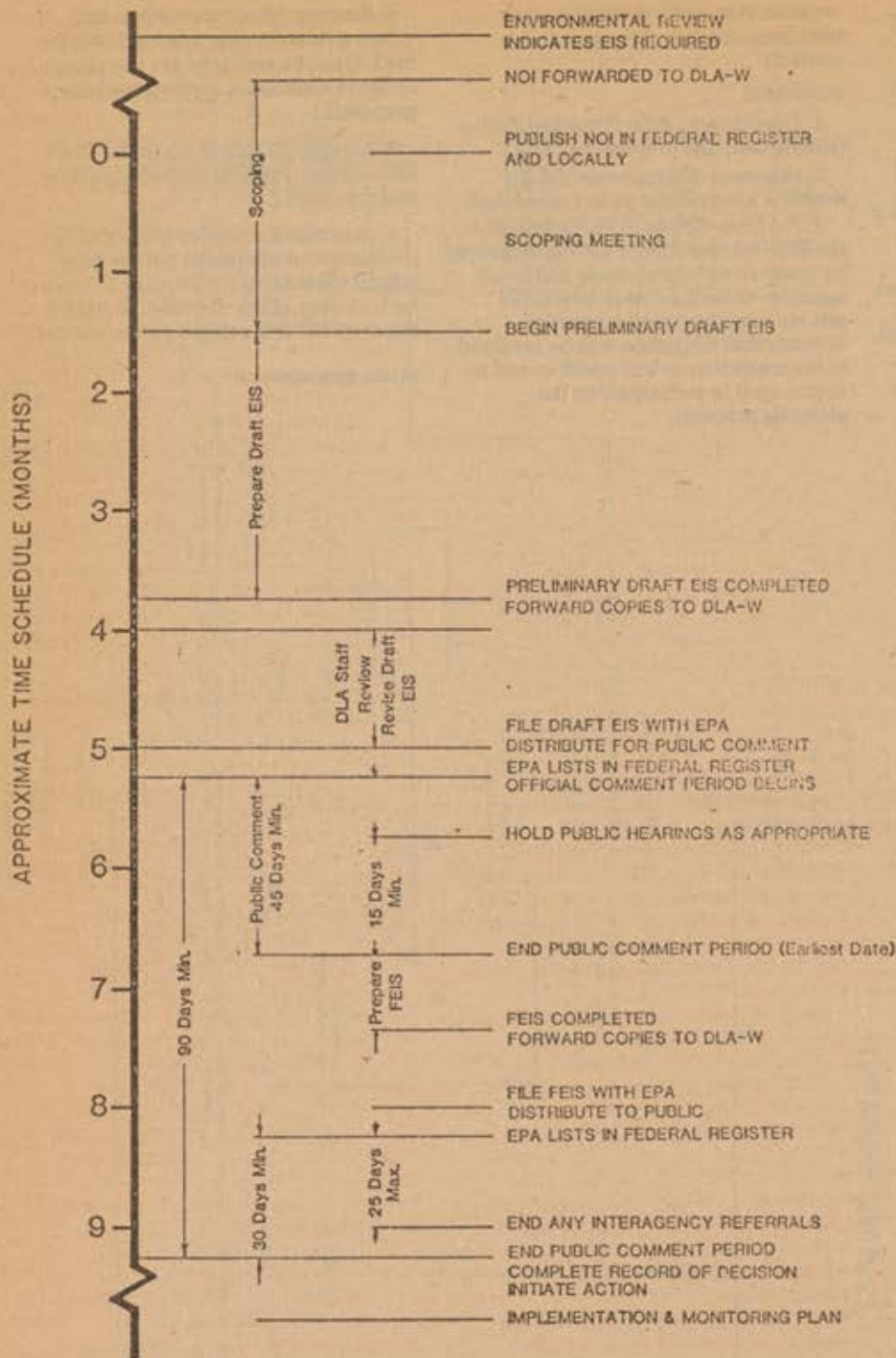
3. *Public and Private Participation in  
the EIS Process:* (Invite full participation  
by interested Federal, State and local  
agencies as well as other interested  
private organizations and parties.  
Indicate that the public will be involved  
to the maximum extent possible and is  
encouraged to participate in the  
planning process).

4. *Scoping:* (Announce when and  
where public scoping meetings will be  
held. If public meetings are not planned,  
indicate what other scoping process is  
proposed.)

5. *Timing:* (Estimate when the Draft  
EIS will be available for public review  
and comment.)

6. *Requests for Copies of Draft EIS:*  
(Indicate that interested parties may  
submit their name to the point of contact  
for inclusion of the distribution list for  
the draft EIS and related public notices.)

BILLING CODE 3620-01-M



TIME RELATIONSHIPS  
PREPARATION & PROCESSING AN EIS

FIGURE 3

## Categorical Exclusions

### I. Criteria and Revision Procedures

A. *Criteria.* The types of DLA actions which normally qualify for categorical exclusion are those which have:

1. Minimal or no significant effect on environmental quality.
2. No significant change to existing environmental conditions.
3. No significant cumulative environmental impact.
4. Social and economic effects only.
5. Similarity to actions previously examined and found to meet the above criteria.

B. *Revision Procedures.* The DLA list of Categorical Exclusions is subject to periodic review and may be modified only by DLA-W. Requests for modification may be submitted, along with appropriate justification, by Heads of DLA PSEs and PLEAs to DLA-W for review and staffing. Field activities are not authorized to modify the list of Categorical Exclusions through supplements to this regulation.

### II. DLA Categorical Exclusions

1. Normal personnel, fiscal, and administrative activities (recruiting, processing, pay, and recordkeeping).
2. Protection activities performed by security police.
3. Recreation and welfare activities other than fish and wildlife management operations.
4. Commissary, Post Exchange, and Officer and NCO Club operations.
5. Routine repair and maintenance of buildings, roads, grounds, administrative vehicles, and operating and materials handling equipment.
6. Local procurement of goods and services do not involve hazardous and toxic materials.
7. Construction, performed in accordance with an approved installation master plan, that does not significantly alter land use, and when the operation of the completed project would not have significant environmental consequences.
8. On-the-job training activities.
9. Studies that involve no commitment of resources other than manpower and funding.
10. Routine civilian personnel reductions, increases or relocations involving less than 50 personnel and less than 10 percent of the work force.
11. Regulations, staff instructions, and manuals covering categorically excluded activities.
12. Installation and operation of communications, data processing, and similar electronic equipment, including their transmission systems, which use

existing rights of way, easements, and distribution systems.

13. Inspections, surveys, and investigations.

14. Preparation of regulations, procedures, manuals, and other guidance documents that implement without substantial change the regulations, procedures, manuals, and other guidance documents issued by higher headquarters or another Federal agency.

15. Grants of easements for the use of existing rights-of-way for roads; electrical power, telephone, and other transmission and communication lines; water, sewage, stormwater, and irrigation pipelines, pumping stations, and related facilities; and for other similar, public utility, and transportation uses.

16. Grant of leases, licenses, interservice support agreements, and permits to utilize DLA-managed real property (e.g., classroom, office, warehouse, or administrative space).

17. Reporting the availability of excess real property to the General Services Administration and the owning Military Service.

18. Actions to suspend or debar contractors or individuals from doing business with DoD and to determine what actions should be taken with respect to such contractors and individuals.

19. Actions to negotiate the acquisition of rights, inventions, patents, and copyrights. Actions to negotiate licenses and other documents granting rights in inventions, patents, and copyrights owned and controlled by the Government.

20. Determinations on mistakes in bid and requests for extraordinary contractual relief.

21. Financial management activities, including budgeting, finance and accounting, development of performance standards and manpower requirements, operation of Management Information System, and evaluation of performance.

22. Contract administration services, including preaward surveys, production surveillance, quality assurance, and other activities related to the administration of defense contracts, except for decisions involving the disposal of toxic and hazardous waste.

23. Activities of contractors under the administrative cognizance of the Defense Contract Administration Service.

24. Management of assigned items, including procurement and related engineering support, storage, distribution, when such commodities do not involve significant quantities of toxic and hazardous chemicals,

pesticides, radioactive items, fossil fuels, or animal products made from endangered species.

25. Technical and logistic services, including development and maintenance of the Federal cataloging program, and the Hazardous Material Information System, Standardization Program, and related activities.

26. Application of pesticides in accordance with the Installation Pest Management Plan.

27. Reutilization, transfer, donation or sale of DoD excess or surplus personal property.

28. Abandonment or destruction of surplus DoD personal property which is not hazardous or toxic.

29. Disposal of hazardous waste, in compliance with regulations established under the Resource Conservation and Recovery Act, when substances and quantities involved do not have a significant impact on the environment, and excluding acute hazardous wastes listed in EPA Regulation, Identification and Listing of Hazardous Waste (40 CFR Part 261) § 261.33(e).

### Environmental Assessment Format and Content

#### I. Format

A. An environmental assessment shall contain the following sections:

1. Summary (EA exceeding 15 pages).
2. Table of Contents (EA exceeding 15 pages).
3. Need For the Proposed Action.
4. Alternatives Considered.
5. Environmental Consequences.
6. Conclusions.
7. List of Agencies and Persons Contacted.
8. Appendices (if required).

B. The text of an EA (sections 3 through 6 above) shall not exceed 50 pages. Documents exceeding 15 pages should be bound and provided with a suitable cover. Information on the content of each of the above sections is provided below.

#### II. Content

A. *Summary.* Each EA exceeding 15 pages in length shall contain an adequate summary of the assessment. This summary will normally not exceed 3 pages.

B. *Table of Contents.* The table of contents will also contain a list of figures and tables and shall normally be provided for EAs exceeding 15 pages in length.

C. *Need for the Proposed Action.* This section should clearly explain the nature of the problem and discuss how the proposed action or the range of

alternatives would solve that problem. The primary objective in this section is to call attention to the benefits of the proposed action. When the projected benefits are primarily economic and based on a cost-benefit analysis, these findings should be either summarized or referenced, with a copy attached as an appendix.

**D. Alternatives Considered.** 1. All reasonable alternatives (courses of action relevant to a proposed action) are discussed in this section. Among those considered will be the "no action" or "status quo" alternative. In addition, the rationale for dismissing possible alternatives from detailed examination will be discussed. A preferred alternative, where it is known, should be identified in an EA along with the reasons for its selection.

2. A Simple title, letter, or number identification shall be used for each of the alternatives discussed and reference to this designation shall be maintained throughout the document.

3. This section may also present in comparative form a summary of the environmental consequences of all alternatives examined to sharply define the issues and provide a clear basis for choice for the decisionmaker. The information to be included is derived from data presented in the environmental consequences section. The use of tabular or matrix formats to present the comparison of environmental effects if preferred because it provides a brief summary for the reviewer of the document.

**E. Environmental Consequences.** 1. This section is primarily an analysis of the potential effects of implementing the various alternatives. This requires a brief description of the affected environment to serve as a base from which to estimate the magnitude of

impacts. The important information to be made available to the reviewer is the identification and significance of both direct and indirect effects, and any environmental effects that cannot be avoided. In addition, it is essential to explain those measures, if any, that can and will be employed to mitigate adverse environmental effects, and opportunities that can be taken to enhance environmental quality.

2. The environmental factors listed below are among those that should be examined in an EA. Only those relevant to a proposed action need to be covered.

#### Ecology

Terrestrial (including endangered species)

Aquatic (including endangered species)

#### Environmental Quality

Water Pollution

Air Pollution

Noise Pollution

Land Pollution (solid and hazardous waste disposal)

Aesthetics

#### Sociological Conditions

Population (composition and growth)

Public Schools

Housing Availability

Public Transportation

Historical, Archeological, and Cultural Amenities

Community Services (police and fire protection)

Anticipated Public and Official Attitudes Toward the Proposal

#### Economic Conditions

Work force and Unemployment Profile

EEO Considerations

Economic Impact Projections

Economic Growth Potential

**F. Conclusions.** Conclude that there would be no significant environmental impacts and an EIS is not required, or

that there would be significant environmental impacts and EIS is required. When mitigating measures are required to support the view that there would be no significant environmental impacts, it is appropriate to summarize these measures in this section.

**G. List of Agencies and Persons Contacted.** In addition to the listing, identify the type of information obtained from these sources if not readily apparent from the titles of individuals and agencies.

**H. Appendix.** Information attached as appendices will normally consist of material which substantiates any analysis fundamental to the assessment.

#### Application of NEPA Process to Major DLA Actions

**General.** The basic DLA procedures contained in enclosure 1 are applied to DLA actions. The following table identifies four major categories of actions which can have environmental implications. It also indicates those primary organizational elements responsible for integrating environmental considerations into the planning and development of an action, and when environmental documents are to be made available during the internal staffing and decisionmaking process.

Specific points-of-contact for information pertaining to environmental documents on particular types of DLA actions are listed in the table. Requests for information on the broader aspects of the DLA environmental program and on the implementation of the CEQ Regulations, in particular, should be directed to: Defense Logistics Agency, Staff Director, Installation Services, and Environmental Protection (DLA-W), Cameron Station, Alexandria, Virginia 22314.

Table of Environmental Review Decision Points for Major DLA Actions

	Policy and procedures	Major construction	Property disposal	Fuel procurement and distribution
Point of contact.....	Director, DLA, Attn: DLA-W, Cameron Station, Alex., VA 22314.	Director, DLA, Attn: DLA-W, Cameron Station, Alex., VA 22314.	Commander, DPDS, Attn: DPDS-H, Federal Center, Battle Creek, MI 49016.	Commander, DFSC, Attn: DFSC-AE, Cameron Station, Alex., VA 22314.
Review process.....	<i>HO DLA proponent.</i> Drafts policy or procedures. Completes DLA Form 1664 when required. <i>DLA-W.</i> Provides environmental consultation. Prepares EA or EIS when required.	<i>Field activity.</i> Submits DD Form 1391. ESO completes DLA Form 1664 for proposed project. <i>DLA-W.</i> Evaluates project and DLA Form 1664. Directs preparation of EA or EIS when required. <i>Field activity or design agency.</i> Prepares EA or EIS during preliminary design.	<i>DPDS staff proponent.</i> Initiates staff action. Completes DLA Form 1664 for proposed action. <i>DPDS-H.</i> Evaluates action and DLA Form 1664. Prepares EA or EIS when required.	<i>DFSC staff proponent.</i> Initiates staff action. Completes DLA Form 1664 for proposed action. <i>DFSC-AE.</i> Evaluates action and DLA Form 1664. Prepares EA or EIS when required.
Approval process.....	<i>PSE.</i> Reviews environmental document. Approves or disapproves policy or procedures. Executes DLA Form 96.	<i>DLA-W.</i> Reviews project and environmental document for inclusion in MILCON budget.	<i>DPDS.</i> Reviews action and environmental document. Approves or disapproves action.	<i>DFSC.</i> Reviews action and environmental document. Approves or disapproves action.

Abbreviations: DPDS—Defense Property Disposal Service, DFSC—Defense Fuel Supply Center, DLA Form 1664—Record of Determination Environmental Evaluation, ESO—Environmental Staff Officer, DD Form 1391—Military construction (MILCON) Project Data.

**DEPARTMENT OF EDUCATION****Office for Civil Rights****34 CFR Part 106****Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance****AGENCY:** Department of Education.**ACTION:** Notice of Proposed Rulemaking.**SUMMARY:** The Secretary of Education proposes to amend the Title IX regulations (nondiscrimination on the basis of sex) by revoking a provision which prohibits discrimination in the application of codes of personal appearance.**DATES:** Comments must be received on or before May 26, 1981.**ADDRESSES:** Comments should be addressed to Mr. Frederick T. Cioffi, Acting Assistant Secretary for Civil Rights, 400 Maryland Avenue, SW. (Room 5000, Switzer Building), Washington, D.C. 20202.**FOR FURTHER INFORMATION CONTACT:** Mr. Antonio J. Califa, Telephone No. (202) 245-0843.**SUPPLEMENTARY INFORMATION:** On December 11, 1978, the Department of Health, Education, and Welfare (HEW) issued a notice proposing the revocation of a subparagraph of the regulations implementing Title IX of the Education Amendments of 1972. The subparagraph proposed for revocation prohibits discrimination on the basis of sex in rules relating to personal appearance (43 FR 58076). The reasons given for that proposal were to permit issues involving codes of personal appearance to be resolved at the local level and to permit the Federal government to concentrate its resources on the enforcement of other parts of the Title IX regulations. That proposed rule was withdrawn on November 13, 1979 (44 FR 66626).

The Department of Education believes that there are substantial arguments that support the revocation of the provision on appearance codes. The issue of sex discrimination in codes of personal appearance, such as rules governing hair length, is more properly resolved at the local level. Federal regulations in this area are likely to be overly intrusive. In addition, by freeing the Office of Civil Rights from devoting its resources to resolving complaints involving personal appearance codes, issues that are more clearly related to the prohibition against sex discrimination under Title IX can be given the additional attention they require.

Section 106.31(b)(5) presently reads as follows:

"(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

\* \* \* \* \*

(5) Discriminate against any person in the application of any rules of appearance;"

**§ 106.31 [Amended]**

Accordingly, in § 106.31 the Department proposes to revoke and remove paragraph (b)(5) and redesignate paragraphs (b)(6)-(8) as (b)(5)-(7).

**Regulatory Flexibility Analysis**

The regulation being amended affects all small entities that are recipients of Federal financial assistance provided by the Department of Education. Since the proposal involves elimination of a requirement, there are no recordkeeping or reporting burdens. If anything, the revocation of the rule would lessen these burdens since the Department would no longer investigate complaints related to rules of appearance. Revocation of the rule is the alternative providing the maximum reduction in burden on small entities.

**Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding this proposed rulemaking. Written comments and recommendations may be sent to the address given at the beginning of this notice. All comments received on or before May 26, 1981, will be considered. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 5000, Switzer Building, 4th and C Streets, SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

Dated: April 16, 1981.

**T. H. Bell,**  
*Secretary of Education.*

[FR Doc. 81-12135 Filed 4-23-81; 8:45 am]

BILLING CODE 4000-01-M

**VETERANS ADMINISTRATION****38 CFR Ch. I****Executive Order 12291, Federal Regulation; Semi-Annual Agenda of Regulations****AGENCY:** Veterans Administration.**ACTION:** Publication of semi-annual agenda.**SUMMARY:** This agenda announces the regulations that the Veterans Administration will have under development, revision and review during the 6-month period from April 23, 1981 through October 22, 1981. The purpose in publishing this agenda is to give notice of these upcoming regulations to allow the public the opportunity to participate in the rulemaking process.**FOR FURTHER INFORMATION CONTACT:** Celia Fasone, Office of Management Services (61), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2308.**SUPPLEMENTARY INFORMATION:** Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Public Law 96-354) require that executive agencies publish in the *Federal Register*, in April and October of each year, a semi-annual agenda of major regulations under development or review.

At this time, none of the regulations listed have been determined to be major and requiring a Regulatory Impact Analysis under E.O. 12291. None of the regulations listed have been determined to pose compliance costs or reporting burdens upon the public nor have they been found to affect small business or state and local governments thereby requiring a Regulatory Flexibility Analysis to be performed under 5 U.S.C. 603. However, during the process of development and review of a regulation, should it be determined that a regulation is considered major, a Regulatory Impact Analysis or a Regulatory Flexibility Analysis will be prepared and published with the regulation as required.

Under the requirements of the rescinded Executive Order 12044, the VA published its agenda in June and December of each year. The agenda set forth below will replace our June agenda, and our second agenda for the year will be published on October 23, 1981 and not in December.

Dated: April 16, 1981.

**Rufus H. Wilson,**  
*Acting Administrator.*

## New Regulations Proposed or Under Development Apr. 24-Oct. 23, 1981

Legal authority	Title	Description	Contact
Pub. L. 95-563 Contract Disputes Act of 1978 (41 U.S.C. 601-613).	Rules of procedure for boards of contract appeals.	Contains the rules to be followed in appeals to the VA Board of Contract Appeals under Pub. L. 95-563 and guidelines for uniform rules issued by OFPP.	Dan R. Anders, (202) 275-1750.
31 U.S.C. 865.	Administrative control of funds.	These regulations will implement provisions of OMB Circular A-34.	Dennis Bowser, (202) 389-2311.
Pub. L. 96-466 Vocational Rehabilitation and Educational Amendments of 1980.	Disclosure of debt information to Consumer Reporting Agencies (CRA).	New legislation requires the VA to refer delinquent debts and related information to consumer reporting agencies.	Peter T. Mulham, (202) 389-3405.
Pub. L. 95-476 Veterans Housing Benefits Act of 1978.	State cemetery grants.	These regulations will define eligibility and requirements for participation in the program, and establish minimum standards for cemetery construction projects assisted through grant funds.	Harold Graber, (202) 389-2313.
Pub. L. 96-466 Vocational Rehabilitation and Educational Amendments of 1980.	Rehabilitation amendments.	To incorporate provisions of Title 1, Rehabilitation Amendments.	S. L. Lemons, (202) 389-2026.
Pub. L. 94-135 Age Discrimination Act of 1975.	Nondiscrimination on the basis of age in programs of activities receiving Federal financial assistance from the VA.	To establish standards for determining what age discrimination is and procedures for enforcing the Age Discrimination Act of 1975.	Marion Siachta, (202) 389-2943.
Pub. L. 94-561 Veterans Omnibus Health Care Act of 1976; 38 U.S.C. 621 and 4131.	Protection of patient rights.	To set forth specific minimum substantive and procedural rights to be uniformly afforded patients undergoing treatment in VA medical centers.	E. A. Reed, M.D., J.D., (202) 389-2130.

## Existing Regulations Under Review or Revision Apr. 24-Oct. 22, 1981

CFR sections	Title	Description	Contact
38 CFR 1.450-1.455	Investigation	Covers investigation policies, jurisdiction and regulations pertaining to Central Office investigations.	William L. Feltew, (202) 389-3093.
38 CFR 1.512	Release of information from loan guaranty files.	To revise the methods and procedures for release of information from Loan Guaranty files as required by Pub. L. 96-466.	George Moonman, (202) 389-3042.
38 CFR 1.514	Medical records disclosure.	To permit medical records disclosure to treating physicians with verified oral consent from the veteran.	Neal Lawson, (202) 389-3294.
38 CFR 1.577 and 1.578	Access to one's own records	To establish special procedures for disclosure of an individual's records if they would be harmful to the individual's mental or physical health; to rearrange subsections between the two regulations.	Do.
38 CFR 1.526, 1.555, 1.579	Fee regulations	To update and consolidate these regulations into a single agency fee schedule regulation covering duplication search and certification fees, and fee waiver criteria.	Do.
38 CFR 1.666	Licensing of Government owned inventions.	To establish that the National Technical Information Service (NTIS) of the Department of Commerce will, in addition to the Department of Health and Human Services, be responsible for licensing certain inventions owned by the VA.	Do.
38 CFR 1.911	Demand for payment.	Ensure that the initial notice of indebtedness also provides the debtor with notice of certain waiver, hearing, and appellate rights in compliance with a recent U.S. Supreme Court decision.	Peter Mulham, (202) 389-3405.
38 CFR 1.912	Collection by Offset.	Provides that offset from current or future benefits will not be initiated until the debtor is provided with notice of certain waiver, hearing, and appellate rights and that a decision will be rendered upon a request for waiver filed within a certain specified period of time.	Do.
38 CFR 1.919	Interest	The VA is now required to charge interest and administrative costs on delinquent debts and interest on the unpaid balance of a debt being paid in installments.	Do.
38 CFR 1.967	Refunds	Regardless of the date of receipt of a waiver request, the entire amount of an indebtedness will be considered for waiver and, if waiver is granted, all amounts recouped will be refunded.	Do.
38 CFR 3.203	Service Records as Evidence of Service and Character of Discharge.	To provide that a certified copy of a discharge document made by a public custodian of records may be accepted as evidence of service.	Do.
38 CFR 3.7	Persons Included	To provide for recognition as veterans for (1) Quartermaster Female Clerical Employees Serving with the AEF in WWI and (2) Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Wake Island.	T. H. Spindle, (202) 389-3005.
38 CFR 3.552	Adjustment of Allowance for Aid and Attendance.	To provide effective date rule for grant of aid and attendance benefits to a hospitalized veteran.	Do.
38 CFR 3.500(s), 3.669	Forfeiture	To change the effective date of forfeiture of benefits for treason.	Do.
38 CFR 6.58	Conditional Designation of Beneficiary	Gender Changes.	Robert W. Carey, (215) 951-5360.
38 CFR 6.60	Change of Beneficiary	Gender Changes.	Do.
38 CFR 6.62	Assignment, Claims of Creditors, and Taxation	Gender Changes.	Do.

## Existing Regulations Under Review or Revision Apr. 24-Oct. 22, 1981—Continued

CFR sections	Title	Description	Contact
38 CFR 6.60b	Higher Interest Rates for Amounts Payable to Beneficiaries.	Paragraph is added to allow the beneficiary of a United States Government life insurance policy who is receiving the proceeds in equal monthly installments over a limited period of months to receive a higher rate of interest on each installment than the current prescribed interest rate being paid.	Robert W. Carey, (215) 951-5360.
38 CFR 6.79, 6.80, and 6.88	United States Government Life Insurance	Change in job titles to Assistant Director for Insurance. Make the necessary gender changes.	Do.
38 CFR 6.90	Physical Examination and Inspections	Enables a physician's assistant to make certain examinations for insurance purposes. Gender changes.	Do.
38 CFR 8.0	National Service Life Insurance Eligibility	To include the Modified Life at Age 70 plan. Gender Changes.	Do.
38 CFR 8.1	Definition of and criteria for "good health"	Gender Changes.	Do.
38 CFR 8.3	Premiums	To include the 20 and 30-Payment Life Plans where appropriate.	Do.
38 CFR 8.24	Application and Medical Evidence	Change in job title to Assistant Director for Insurance. Gender changes.	Do.
38 CFR 8.26	Dividends, How Paid	Subparagraph (a)(3) is amended to authorize dividends on insurance issued under section 725, Title 38, U.S.C., as amended by Pub. L. 96-578.	Do.
38 CFR 8.27	Cash Value	States how long paid-up additions must be in force for cash values. Includes 20 and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.29	Extended Term and Paid-up Insurance	To make the necessary changes for the Modified Life at Age 70 plan.	Do.
38 CFR 8.33-8.36	Change in Plan	To make the necessary changes for the Modified Life at Age 70 plan and to include the 20 and 30-Payment Life plans. Gender changes.	Do.
38 CFR 8.40-8.42	Premium Waivers and Total Disability	To make the necessary changes for the Modified Life at Age 70 plan and 20 and 30-Payment Life plans. Gender changes.	Do.
38 CFR 8.64 and 8.65	Examinations	Enables a physician's assistant under certain conditions to make an examination. Change the title to Director for the head of a regional office. Gender changes.	Do.
38 CFR 8.70	Claims Alleging Insurance where there is no Application for Insurance on File.	Change the title of person charged with making original determination as to valid contracts.	Do.
38 CFR 8.82	Higher Interest Rates for Amounts Payable to Beneficiaries.	Paragraph is added to allow the beneficiary of a National Service Life Insurance (NSLI) policy who is receiving the proceeds in equal monthly installments over a limited period of months to receive a higher rate of interest on each installment than the prescribed interest rate now in use.	Do.
38 CFR 8.99c	Total Disability Income Provisions	Provides for updated pamphlets dealing with premiums for the Total Disability Income Provisions. Adds the 20 and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.100	Insurance Provided by Special Legislation	Gender changes	Do.
38 CFR 8.102	National Service Life Insurance Appropriations	Provides for 20 and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.103	National Service Life Insurance Nonparticipating Funds.	Provides for the 20 and 30-Payment Life plans where appropriate. Gender changes.	Do.
38 CFR 8.108	National Service Life Insurance Policy Forms	Updates the applicable forms. Includes the Modified Life at Age 70 plan and the 20 and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.110-8.112b	National Service Life Insurance issued on or after April 25, 1951.	Includes the Modified Life at Age 70 plan where appropriate. Gender changes.	Do.
38 CFR 14.503 and 14.504	Domestic Relations Legal Advice	To revise legal advice authority of District Councils regarding domestic relations questions.	John H. Thompson, (202) 389-2417.
38 CFR 17.30(w)	Definitions	Redefines Veterans Administration facilities to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits. Defines authority to obtain diagnostic services from private facilities under certain conditions.	Joseph Fleckenstein, (202) 389-3785.
38 CFR 17.49	Admission Priorities	Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.	Do.
38 CFR 17.60b	Emergency Outpatient Care	Defines authority for furnishing outpatient care in emergencies to individuals attending national conventions of VA recognized organizations.	Do.
38 CFR 17.60(g)	Priorities for Medical Services	Defines the outpatient priority category for veterans being examined to determine the existence or rating of a service-connected disability.	Do.
38 CFR 17.62	Charges for Emergency Services.	Defines authority for emergency services provided to individuals, other than eligible veterans, attending national conventions of VA recognized service organizations.	Do.
38 CFR 17.54	Medical Care for survivors and dependents of certain veterans.	Revise the current regulation to provide CHAMPVA benefits to the surviving spouse or child of a person who died in the active, military, naval or air service, in the line of duty, and who is not eligible for CHAMPUS or MEDICARE benefits.	Do.

## Existing Regulations Under Review or Revision Apr. 24-Oct. 22, 1981—Continued

CFR sections	Title	Description	Contact
38 CFR 17.166c	Amount of aid payable	Amends the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.	Joseph Fleckenstein, (202) 389-3785.
38CFR Part 18b.1-18b.95	Nondiscrimination in Federally Assisted Programs of the VA—Effectuation of Title VI of the Civil Rights Act of 1964.	Gender changes. Updated materials include Affirmative Action, Compliance reports, Compliance reviews, prohibited intimidatory or regulatory acts, and administrative review procedures.	Ana M. del Toro, (202) 389-2612.
38 CFR 21.1020-21.4507	Veterans Education; Educational Assistance	Proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96-466 which affect these regulations and to make other technical changes.	Jane Schaeffer, (202) 389-2092.
38 CFR 21.4131(e)	Veterans Education; Adding Dependents	Proposal will liberalize the procedures for determining when a veteran may receive additional educational assistance after acquiring additional dependents.	Do.
38 CFR 21.4135(o)	Veterans Education; Extension of Eligibility	Proposal will bring the regulatory provisions concerning extension of eligibility for eligible persons into agreement with provisions of the law.	Do.
38 CFR 21.4136(k)	Veterans Education; Time Limits for Mitigating Circumstances.	Proposal will set a time limit for the submission to the VA of mitigating circumstances which must exist before a veteran or eligible person may be paid for a course from which he or she withdrew or received a punitive grade.	Do.
38 CFR 21.4262(b)	Veterans Education; Apprenticeship and Other On-Job Training.	Proposal will specify in more detail the wage scale which must exist before an on-job training program can be approved for veterans training.	Do.
38 CFR 21.5001-21.5500	Veterans Education; Post-Vietnam Era Veterans Educational Assistance Program.	Proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96-342 and Pub. L. 96-466 which affect Veterans Educational Assistance Program.	Do.
38 CFR 21.1-21.735	Vocational Rehabilitation and Education	This section will be replaced in its entirety by regulations implementing Title I, Rehabilitation Amendments, Pub. L. 96-466.	S. L. Lemons, (202) 389-2026.
38 CFR 36.4263	Resale and Repairs to Repossessed Mobile Home Units.	To authorize the Administrator to enter into indemnification agreements with holders when repossessed mobile home units are resold and to limit the dollar amount of repairs which a holder may expend on behalf of the Administrator.	Raymond Brodie, (202) 389-3668.
38 CFR 36.4200-36.4526	Mobile Home, Direct Loan, and Specialty Adapted Housing Regulations.	To revise necessary regulations to implement statutory changes mandated by Pub. L. 96-385.	George D. Moorman, (202) 389-3042.
38 CFR 36.4202, 36.4301, and 36.4501	Eligibility, Length of Service Requirements.	To provide as required by Pub. L. 96-342, that a person who enlists in the service after 9/7/80 must serve at least 24 months in some cases to be eligible for benefits.	Do.
38 CFR 36.4308 and 36.4350	Participation by State and local housing authorities in the Loan Guaranty Program.	To consider amending the regulations to allow state or local housing authorities to impose title or sale restrictions on homes acquired with bond assisted and VA assisted financing.	Do.
38 CFR 36.4356-36.4360a	Condominium Regulations	To revise the regulations governing the acceptance of condominium developments for VA guaranteed loan financing.	Do.
41 CFR 8-1.4	Procurement Responsibility and Authority	To amend VAPR by raising the dollar threshold of Marketing Center contracts requiring legal review; provide more appropriate legal review of procurement matters of the Assistant Administrator for Construction, and to require legal review of Step One of a two-step formally advertised contract.	Chris Figg, (202) 389-2334.
41 CFR 8-3.2 and 8-75.2	Circumstances Permitting Negotiation; Special and Limited Delegations.	To amend VAPR to establish administrative controls over contracts negotiated under the authority of 38 U.S.C. 5023; to provide additional delegations of contracting authority for awarding Central Office A/E contracts; and to increase contracting authority of the Chief, Supply Division, Building and Supply Service, Central Office.	Do.
41 CFR 8-2.2-8-2.5	Solicitation of Bids; Submission of Bids; Opening of Bids and award of Contracts; Two-Step Formally Advertised Contracts.	Amended to revise the "Aggregate Award" clause, to implement the Contract Disputes Act relating to mistakes in bids and to delete requirement for Central Office review of proposed contract awards exceeding \$200,000 for supplies and equipment.	Do.
41 CFR 8-1.3 and 8-5.53	General Policies; Procurement of Forms, Publications and related services.	Amended to specify that binding costing over \$500 will be procured through GPO.	Do.
41 CFR 8-74.1	Paid Use of Conference facilities; Asbestos	To add controls on the paid use of conference facilities and to add controls on the procurement of asbestos.	Tim Garous, (202) 389-2334.
41 CFR 1-3. 805-3 and 8-7.150.5	Agency Order Forms; Fixed-Price Service Contracts.	Amended to clarify insurance requirements for service contracts.	Do.
41 CFR 8-4.9	Unsolicited Proposals	Added to provide guidance in the evaluation of unsolicited proposals.	David Derr, (202) 389-3882.



## Regulations Issued (Proposed or Final) From December 1, 1980-April 10, 1981

CFR sections	Title	Publication date	Type of action	Effective or comment date
38 CFR 36.4212	Increase in Maximum Permissible Rate on Mobile Home Loans	12-2-80	Final Rule	11-24-80
38 CFR 36.4311, 36.4503	Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured and Direct Loans for Homes and Condominiums and for Home Improvement Purposes.	12-2-80	Final Rule	11-24-80
38 CFR 17.36, 17.37, 17.38	Medical Benefits; Miscellaneous	12-5-80	Final Rule	11-24-80
38 CFR 21.5130, 51.35, 51.38	Veterans Education; Payment of Educational Assistance Allowance to Participants in the Veterans' Educational Assistance Program on Active Duty (joint VA and DOD regulations).	12-9-80	Proposed Rule	1-7-81
38 CFR 21.5040, 50.60, 50.65	Veterans Education; Eligibility for Educational Assistance; Character of Discharge (joint VA and DOD regulations).	12-10-80	Proposed Rule	1-7-81
38 CFR 3.12a, 3.13	Veterans Benefits; Length of Service Requirements	1-27-81	Proposed Rule	2-25-81
38 CFR 3.272	Exclusions from Countable Income Under Improved Pension Program	1-29-81	Final Rule	1-1-79
38 CFR 3.711, 7.12, 7.14	Disaffirmation of Election of Improved Pension by Certain Medicaid Recipients.	2-10-81	Final Rule	1-1-79
38 CFR 3.340-342, 3.350-352, 3.665-3.666; 3.750, 3.809, 3.809a	Changes in Veterans Disability Compensation and Survivors Benefits	2-19-81	Proposed Rule	3-23-81
41 CFR 8-1.702, 704-1 thru 5, 8-1.706-50 & 51, 8-1.708-2, 8-1.710-4, 8-1.713-2	Small Business Concerns	2-26-81	Final Rule	2-20-81
38 CFR 3.1612	Veterans Benefits; Government Furnished Headstone or Marker	3-11-81	Final Rule	9-1-80
38 CFR 21.4264	Veterans Education; Farm Cooperative Courses	3-11-81	Final Rule	2-19-81
38 CFR 36.4311, 36.4503	Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums.	3-13-81	Final Rule	3-9-81
41 CFR 8-4.5102	Mortuary Services	3-18-81	Proposed Rule	4-17-81
38 CFR 17.400, 402, 403, 405, 407, 408, 410, 412, 413, 414	Medical School and Health Manpower Assistance	3-23-81	Proposed Rule	4-22-81
38 CFR 2.5	Delegation of Authority	3-27-81	Final Rule	3-17-81
38 CFR 3.552	Veterans Benefits; Reduction of Aid and Attendance Allowance	3-27-81	Proposed Rule	3-27-81
38 CFR 1.582	Privacy Act Exemption	3-30-81	Final Rule	3-13-81
38 CFR 3.500, 3.669	Effective Date for Forfeiture for Treason	3-31-81	Proposed Rule	4-30-81
38 CFR 21.4136	Educational Benefits; Payment for Intervals Between Terms	4-7-81	Final Rule	4-1-81
38 CFR 38.4308	Loan Guaranty Program	4-10-81	ANPRM Rule	5-11-81

[FR Doc. 81-12250 Filed 4-22-81; 8:45 am]

BILLING CODE 8320-01-M

## 38 CFR Part 4

Schedule for Rating Disabilities—  
Endocrine System

AGENCY: Veterans Administration.

ACTION: Proposed Regulations.

**SUMMARY:** It is proposed to amend that portion of the Schedule for Rating Disabilities dealing with the endocrine system. The proposed revisions are based upon our review of claims, recommendations of the national service organizations, comments from the staff of the Department of Medicine and Surgery of the VA, analysis of correspondence and our experience with claims.

The proposed amendment to the Schedule for Rating Disabilities will reflect increased evaluations for non-toxic adenoma of the thyroid gland, hypopituitarism and Addison's disease. In addition, the criteria for most of the endocrinopathies listed in the rating schedule have been revised for the purpose of updating laboratory techniques used in their diagnosis, to rephrase the criteria used in the evaluation process, and to provide minimum ratings of 10 percent when continuous medication is required.

**DATES:** Comments must be received on or before May 26, 1981. It is proposed to make this amendment effective the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (217A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the above address during normal business hours until June 5, 1981.

**FOR FURTHER INFORMATION CONTACT:** Joseph C. Acquadro, 202-389-3864.

**SUPPLEMENTARY INFORMATION:** The date of August 19, 1978, appearing in the caption preceding diagnostic codes 6701 through 6724 in the Code of Federal Regulations is incorrect and is being changed to the correct date of August 19, 1968. The caption will then read Ratings for Pulmonary Tuberculosis Entitled on August 19, 1968.

The Agency has determined that these proposed regulations are non-major in accordance with the requirements of E.O. 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that they pose no compliance costs or reporting burdens upon the public and have no effect on businesses or State and local governments.

## Additional Comment Information

Interested persons are invited to

submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until June 5, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: April 6, 1981.

Rufus H. Wilson,  
Acting Administrator.

## § 4.97 [Amended]

1. In § 4.97, the center title preceding diagnostic code 6701 is corrected to read "Ratings for Pulmonary Tuberculosis Entitled on August 19, 1968".

2. Section 4.119 is revised as follows:

### § 4.119 Schedule of ratings—endocrine system.

	Rating		Rating
7900 Hyperthyroidism		7907 Hyperparathyroidism (pituitary basophilism, Cushing's syndrome)	
Pronounced; with thyroid enlargement, severe tachycardia, increased levels of circulating thyroid hormones (T <sub>4</sub> and/or T <sub>3</sub> by specific assay) with marked nervous, cardiovascular or gastro-intestinal symptoms; muscular weakness and loss of weight; or postoperative with poor results, the symptoms under "pronounced" persisting	100	As active progressive disease with marked loss of muscle strength, areas of osteoporosis with pathological fractures and enlargement of sella turcica, pituitary or adrenal glands	100
Severe; with marked emotional instability, fatigability, tachycardia and increased pulse pressure or blood pressure, increased levels of circulating thyroid hormones (T <sub>4</sub> and/or T <sub>3</sub> by specific assay)	60	Severe; with symptom combination less than for the 100 percent rating with only partial control by treatment	60
Moderately severe; with the history shown under "severe," but with reduced symptoms; or postoperative, with tachycardia and increased blood pressure or pulse pressure of moderate degree and tremor	30	<b>Note.</b> —With recovery or control, rate residuals such as adrenal insufficiency, cardiac, skin and bony complications under appropriate diagnostic code.	
Moderate or postoperative with tachycardia which may be intermittent, and tremor	10	7908 Hyperparathyroidism (acromegaly or gigantism)	
In remission; or operated; cured	0	Pronounced; Hypofunctional stage following stage of hyperfunction, with intracranial pressure, hypertension, genital decline and atrophy, hypotrichosis, hypoglycemia, obesity and asthma	100
<b>Note 1.</b> —If disease of the heart predominates, rate as hyperthyroid heart disease diagnostic code 7008.		Severe; bone and joint pains, hyperglycemia and glycosuria, symptoms of intracranial pressure in optic region	60
<b>Note 2.</b> —If ophthalmopathy only exists, rate under impairment of field vision diagnostic code 6080, diplopia diagnostic code 6090 or central visual acuity diagnostic codes 6061-6079.		Moderate; enlargement of acral parts, or overgrowth of long bones, with X-ray evidence of enlarged sella turcica	30
<b>Note 3.</b> —When continuous medication is required for control of hyperthyroidism, a minimum rating of 10 percent will be assigned.		7909 Hypoparathyroidism (diabetes insipidus)	
7901 Thyroid gland, toxic adenoma of		Pronounced; excessive thirst with intake of water and severe polyuria with episodes of syncope, systolic and diastolic blood pressure below normal, requiring parenteral replacement therapy	100
Rate as hyperthyroidism under diagnostic code 7900		Severe; excessive thirst with intake of water and polyuria with dehydration with increased serum osmolality > 295 mOsm/kg with decreased urine osmolality < 38 mOsm/kg	60
7902 Thyroid gland, nontoxic adenoma of		Moderately severe; polyuria with increase in urinary chlorides, etc.	40
With pressure symptoms or marked disfigurement	20	Moderate; with polyuria and polydipsia	20
Nonsymptomatic	0	7910 Hyperadrenia (adrenogenital syndrome)	
<b>Note.</b> —For higher ratings, see organs whose function is affected.		Postoperative; rate for residuals	
7903 Hypothyroidism		7911 Addison's disease (adrenal cortical hypofunction)	
Pronounced; with a long history and slow pulse, decreased levels of circulating thyroid hormones (T <sub>4</sub> and/or T <sub>3</sub> by specific assays), sluggish mentality, sleepiness, and slow return of reflexes	100	Four or more crises during the past year each substantiated by clinical findings of increasingly severe hypotension, dehydration and pronounced weakness with laboratory evidence such as hyponatremia, hyperpotassemia, azotemia, hypoglycemia and cortisol deficiency	60
Severe; the symptoms under "pronounced" somewhat less marked, decreased levels of circulating thyroid hormones (T <sub>4</sub> and/or T <sub>3</sub> by specific assays)	60	Three crises substantiated as for the 60 percent rating during the past year; or episodes of lesser symptomatology manifested by vomiting, diarrhea, hypotension and marked weakness occurring 5 or more times during the past year	40
Moderately severe; sluggish mentality and other indications of myxedema, decreased levels of circulating thyroid hormones (T <sub>4</sub> and/or T <sub>3</sub> by specific assays)	30	Well-established Addison's disease with fewer than 3 crises or less than 5 episodes of the lesser symptomatology during the past year; or with symptoms such as weakness and fatigability, continuous medication for control	20
Moderate; with fatigability	10	<b>Note.</b> —Tuberous Addison's disease will be rated as active or inactive tuberculosis. See §§ 4.88b and 4.89. On attainment of inactivity, the ratings under Code 7911 are not to be combined with the graduated ratings of 50 percent and 30 percent in § 4.89, assign the higher rating.	
In remission	0	7912 Pluriglandular syndromes	
<b>Note.</b> —When continuous medication is required for control of hypothyroidism, a minimum rating of 10 percent will be assigned.		Rate according to major manifestations.	
7904 Hyperparathyroidism (osteitis fibrosa cystica)		7913 Diabetes mellitus	
Pronounced; with generalized decalcification of bones, high blood and urinary calcium, marked loss of weight and weakness	100	Pronounced; uncontrolled, that is, with repeated episodes of ketoacidosis or hypoglycemic reactions, restricted diet and regulation of activities; with progressive loss of weight and strength; or severe complications	100
Severe; with symptom combinations less than under "pronounced" and manifestations of hypercalcaemia and urinary calcium, but with marked weight loss and muscle weakness	60	Severe; with episodes of ketoacidosis or hypoglycemic reactions, but with considerable loss of weight and strength and with mild complications, such as pruritis ani, mild vascular deficiencies, or beginning diabetic ocular disturbances	60
Following operation or treatment		Moderately severe; requiring large insulin dosage, restricted diet, and careful regulation of activities, i.e., avoidance of strenuous occupational and recreational activities	40
Rate as residual of benign tumor, considering especially bones and kidneys under appropriate diagnostic code.		Moderate; with moderate insulin or oral hypoglycemic agent dosage, and restricted (maintenance) diet; without impairment of health or vigor or limitation of activity	20
7905 Hypoparathyroidism			
Postoperative; following thyroidectomy, with painful muscular spasms (tetany), or with marked neuromuscular excitability	100		
For lesser degree rate by analogy with hyperthyroidism under diagnostic code 7900.			
<b>Note.</b> —When continuous medication is required for control of hypoparathyroidism, a minimum rating of 10 percent will be required.			
		Mild; controlled by restricted diet, without insulin; without impairment of health or vigor or limitation of activity	10
		<b>Note.</b> —Definitely established complications such as amputations, impairment of central visual acuity, peripheral neuropathy with definite sensory or motor impairment or definitely established arteriosclerotic focalizations will be separately rated under the applicable diagnostic codes. When the diagnosis of diabetes mellitus is definitely established it is neither necessary nor advisable to request glucose tolerance tests for rating purposes.	
		7914 New growths, malignant, any specified part of endocrine system	100
		<b>Note.</b> —The rating under Code 7914 will be continued for 1 year following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.	
		7915 New growths, benign, any specified part of endocrine system	
		The rating will be based on interference with endocrine functions, using any applicable endocrine analog.	
		(38 U.S.C. 355)	
		(FR Doc. 81-12295 Filed 4-23-81; 8:45 am)	
		<b>BILLING CODE 8320-01-M</b>	
		<b>ENVIRONMENTAL PROTECTION AGENCY</b>	
		<b>40 CFR Part 173</b>	
		<b>[EN FRL 1806-6]</b>	
		<b>Pesticide Enforcement: Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations; Notification to the Secretary of Agriculture</b>	
		<b>AGENCY:</b> Environmental Protection Agency (EPA), Office of Enforcement.	
		<b>ACTION:</b> Notification to the Secretary of Agriculture of a Pending Final Regulation.	
		<b>SUMMARY:</b> Notice is hereby given, as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA, 7 U.S.C. 136 <i>et seq.</i> ) as amended, that the Administrator of EPA has forwarded to the Secretary of the Department of Agriculture a copy of EPA's <i>Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations</i> . A State's primary enforcement responsibility for pesticide use violations may be rescinded pursuant to section 27(b) of FIFRA if the Administrator of EPA determines that the State is not adequately discharging its use enforcement responsibilities.	

**FOR FURTHER INFORMATION CONTACT:**

Laura Campbell (EN-342),  
Environmental Protection Agency,  
Office of Enforcement, Pesticides and  
Toxic Substances Enforcement Division,  
401 M Street, SW., Washington, D.C.  
20460, (202) 755-0970.

**SUPPLEMENTARY INFORMATION:** Section 25(a)(2)(B) of FIFRA states that the Administrator shall provide the Secretary of Agriculture with a copy of any regulation in final form at least 30 days prior to signing it for publication in the Federal Register. If the Secretary comments in writing to the Administrator regarding any such final regulation within 15 days after receiving it, the Administrator shall publish in the Federal Register (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 15 days after receiving it, the Administrator may sign such regulation for publication in the Federal Register at any time after such 15-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this final rule has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate. The rule has also been submitted to the FIFRA Scientific Advisory Panel as required by FIFRA section 25(d).

Dated: April 13, 1981.

Richard D. Wilson,  
*Acting Assistant Administrator for  
Enforcement.*

[FR Doc. 81-11931 Filed 4-22-81; 8:45 am]

BILLING CODE 6560-33-M

**ACTION****45 CFR Ch. XII****Semiannual Agenda of Regulations**

**AGENCY:** ACTION.

**ACTION:** Semiannual Agenda of Regulations.

**SUMMARY:** Executive Order 12291, Federal Regulation, and Section 602 of the Regulatory Flexibility Act (RFA), (5 U.S.C. 602), direct ACTION to publish its semiannual agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review.

Section 5 of the Executive Order requires that the agenda contain a summary of the nature of each major rule being considered, the objectives and legal basis for it, and an approximate schedule for completing action on any major rule for which a notice of proposed rulemaking has been issued; the name and telephone number of a knowledgeable agency official for each item on the agenda; and a list of existing regulations to be reviewed with a brief discussion of each regulation.

In addition, Section 602 of the RFA calls for a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have significant economic impact on a substantial number of small entities.

As ACTION neither has nor is contemplating issuing any major rules within the meaning of Executive Order 12291 or any rules likely to have a significant economic impact on a substantial number of small entities, this semiannual agenda contains no proposed rules.

**FOR FURTHER INFORMATION CONTACT:**

Randi J. Greenwald, Assistant General Counsel, ACTION, 806 Connecticut Ave., N.W., Washington, D.C. 20525, 202-254-7974.

Signed at Washington, D.C. this 17th day of April 1981.

Dana B. Rodgers, Jr.,  
*Acting Director of ACTION.*

[FR Doc. 81-12280 Filed 4-22-81; 8:45 am]

BILLING CODE 6050-01-M

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[BC Docket No. 78-253]

**Inquiry Into the Role of Low-Power  
Television Broadcasting and  
Television Translators in the National  
Telecommunications System;  
Extension of Reply Comment Period**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule; Extension of reply comment period.

**SUMMARY:** The Commission, at the request of the National Association of Broadcasters, has granted a 30-day extension of time in which to file reply comments in BC Docket No. 78-253, Inquiry into the Role of Low Power Television Broadcasting and Television Translators in the National

Telecommunications System. The additional time was granted to allow all parties sufficient time to submit responsive commentary to the comments which have been filed in this proceeding.

**DATES:** Reply comments must be filed on or before May 13, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Molly Pauker, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:****Order Extending Time for Filing Reply Comments**

Adopted: April 2, 1981.

Released: April 8, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a Motion for Extension of Time to File Reply Comments filed by the National Association of Broadcasters ("NAB") in the above-captioned proceeding. NAB requests a thirty-day extension of the deadline for reply comments, from April 13, 1981, until May 13, 1981. As its reasons, NAB avers that, in view of the volume of comments, more time is necessary for all parties to evaluate them and respond meaningfully to the issues raised therein. In addition, NAB contends that a thirty-day extension will not unduly delay resolution of the proceeding.

2. In view of the complexity and variety of the points at issue in this proceeding, we believe it is in the public interest to afford all parties sufficient time to formulate responsive commentary. Furthermore, we do not believe that any party would be prejudiced by a thirty-day extension of the reply comment period. Accordingly, NAB's request for extension of time for filing reply comments will be granted.

3. In view of the foregoing, it is ordered, That the deadline for filing reply comments in Docket No. 78-253 is extended to and including May 13, 1981.

4. This action is taken pursuant to authority contained in Sections 1, 5(d) and 303(g) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules

Federal Communications Commission.

Henry L. Baumann,  
*Chief, Policy and Rules Division, Broadcast Bureau.*

[FR Doc. 81-12280 Filed 4-22-81; 8:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register

Vol. 46, No. 78

Thursday, April 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board meeting scheduled for May 8, 1981 has been postponed. A new meeting date will be identified and published later.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

April 17, 1981.

[FR Doc. 81-12221 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-11-M

### Soil Conservation Service

#### I. A. Lewis School Critical Area Treatment RC&D Measure; Louisiana

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

#### Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the I. A. Lewis School Critical Area Treatment RC&D Measure, Lincoln Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant

local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for establishing vegetation on six acres at the I. A. Lewis School for the control of erosion. Also planned are the installation of waterways, 700 feet of concrete pipe, and a diversion.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12172 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-16-M

#### Prairie Hills Critical Area Treatment RC&D Measures; Illinois

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone 217-398-5267.

#### Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500);

and the Soil Conservation Service; U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Prairie Hills Critical Area Treatment RC&D Measures in Henderson, Warren, Knox, Fulton, McDonough, and Hancock Counties, Illinois.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plants for critical area treatment. Conservation practices include subsurface drains, diversions, stone waterways, streambank stabilization, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12173 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-16-M

#### Russell Field Flood Prevention and Drainage RC&D Measure; Massachusetts

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Sherman L. Lewis, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, telephone 413-256-0441.

**Notice**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines, (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Russell Field Flood Prevention and Drainage RC&D Measure, Berkshire County, Massachusetts.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sherman L. Lewis, State Conservationist, has determined that the preparation and review of an environmental statement are not needed for this project.

The measure concerns a plan to eliminate flooding and wetness problems on an athletic field. The planned works of improvement include a ripped diversion dike and subsurface drainage. Approximately 550 feet of each will be installed.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Sherman L. Lewis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 8, 1981.

[FR Doc. 81-12174 Filed 4-22-81; 8:45 am]

BILLING CODE 3410-10-M

**CIVIL RIGHTS COMMISSION****New York Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00p and will end at 6:30p, on June 9, 1981, at the Phelps Stokes Fund, 10 East 87th Street, New York, New York 10028. The purpose of this meeting is to discuss the coming programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Frankling Williams, Phelps Stokes Fund, 10 East 87th Street, New York, New York 10028 (212) 427-8100; or the Eastern Regional Office, 28 Federal Plaza, Room 1639, New York, New York 10007 (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 20, 1981.  
John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-12237 Filed 4-22-81; 8:45 am]

BILLING CODE 6335-01-M

**Vermont Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 6:00p and will end at 9:00p, on May 5, 1981, at the Vermont Technical College, Room 107, Conant Hall, Randolph, Vermont 05601. The purpose of this meeting is to discuss development of information kit on racial and sexual stereotyping.

Persons desiring additional information or planning a presentation to the Committee, should contact Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson and PO, Burlington, Vermont 05401, (802) 658-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 20, 1981.  
John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-12238 Filed 4-22-81; 8:45 am]

BILLING CODE 6335-01-M

**West Virginia Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 1:00p and will end at 5:00p, on May 14, 1981, at the Federal District Court, Room 5110, 500 Quarrier Street, Charleston, West Virginia 25329. The purpose of this meeting is to orientate new members and plan for calendar year 1981 activities of the Advisory Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. James B. McIntyre, 611 Virginia Street East, Charleston, West Virginia 25301, (304) 344-3652; or the Mid-Atlantic Regional Office, 2120 L Street, N.W., Room 510, Washington, D.C. 20037, (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 20, 1981.  
John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 81-12239 Filed 4-22-81; 8:45 am]

BILLING CODE 6335-01-M

**DEPARTMENT OF COMMERCE  
Economic Development  
Administration****Hamilton County River Port and Industrial Park Facility, Tennessee; Intent To Prepare an Environmental Impact Statement and To Hold a Scoping Meeting**

Notice is hereby given that, pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Economic Development Administration of the U.S. Department of Commerce will, as lead Federal agency, prepare an environmental impact statement (EIS) on the proposed Hamilton County River Port and Industrial Park Facility, Tennessee. Cooperating agencies are: Appalachian Regional Commission, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Tennessee Valley Authority, and Tennessee Department of Transportation.

The proposal involves construction of a docking facility, public terminal, warehousing and the development of an industrial park complex that will complement the River Port development. A site located on the east bank of Nickajack Lake, between river mile 466 and 468 and bounded by the Amnicola

Highway on the south, with approximately 6200' of river frontage has been proposed.

Alternative sites, alternative layouts for the proposed site and the no-action alternative shall be considered.

Pursuant to Council on Environmental Quality regulations, a scoping meeting will be held on Tuesday, May 19, 1981, at 1:00 p.m., at the Chattanooga Bicentennial Public Library Auditorium, located at 1001 Broad Street, Chattanooga, Tennessee. This scoping meeting is to both inform interested parties and to solicit their comments.

Comments and questions regarding the proposed River Port facility or the EIS are encouraged and should be addressed to John Cole, EIS Coordinator, U.S. Department of Commerce, Economic Development Administration, Atlanta Regional Office, Suite 700, 1365 Peachtree St., NE, Atlanta, Georgia 30309. Telephone (404) 881-7667. Comments should be received by May 31, 1981.

This notice, and the preparation of an EIS, should not be construed as a commitment on the part of the Economic Development Administration to fund any part of the proposed facility.

Dated: April 17, 1981.

H. W. Williams,

*Acting Assistant Secretary for Economic Development.*

[FR Doc. 81-12226 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-24-M

#### **Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance**

Petitions have been accepted for filing from the following firms: (1) The Hartford Corporation, P.O. Box 85, New Brunswick, New Jersey 08903, producer of plastics, fabrics, papers and foils (accepted March 30, 1981); (2) LGAM Manufacturing Company, Inc., P.O. Box 150, Woodfield, Ohio 43793, producer of women's blouses (accepted April 1, 1981); (3) Lockwood Products, Inc., 214 Nashua Street, Leominster, Massachusetts 01453, producer of plastic flower pots and other containers (accepted April 1, 1981); (4) Profile Sports Corporation, 1 Profile Plaza, West Lebanon, New Hampshire 03784, producer of men's, women's and children's coats, vests and overalls (accepted April 1, 1981); (5) South Bend Lathe, Inc., 400 West Sample Street, South Bend, Indiana 46625, producer of lathes and other machine tools (accepted April 1, 1981); (6) Electro-Wire Products, Inc., 2141 Heidi Street, Troy, Michigan 48084, producer of automotive wire harnesses and control switches

(accepted April 3, 1981); (7) Hardy and Newsom, Inc., P.O. Box 158, La Grange, North Carolina 28551, producer of iron castings, steel tanks and heating and tobacco curing equipment (accepted April 3, 1981); (8) Interactive Products Corporation, 460 Ward Drive, Santa Barbara, California 93111, producer of microcomputers (accepted April 7, 1981); (9) Excelsior Manufacturing Company, 110 Jenkins Lane, Salisbury, Maryland 21801, producer of women's and girls' blouses, skirts and slacks, boys shorts and men's robes (accepted April 7, 1981); (10) Kearsarge Peg Company, Inc., P.O. Box 158, Bartlett, New Hampshire 03812, producer of wood tumbling pegs (accepted April 7, 1981); (11) R & K Apparel, 40 West Main Street, Plymouth, Pennsylvania 18651, producer of women's dresses (accepted April 7, 1981); (12) Sue Fran, Inc., Rose Street, Irvona, Pennsylvania 16656, producer of women's blouses, dresses and lounge wear (accepted April 10, 1981); (13) Martron, Inc., 2200 S. Ritchey Street, Santa Ana, California 92705, producer of amplifiers and other sound equipment (accepted April 10, 1981); (14) Ambrosio Gloves, Inc., 95 N. Arlington Avenue, Gloversville, New York 12078, producer of sports gloves (accepted April 10, 1981); (15) M. J. Fitzsimmons Manufacturing Corporation, 418 St. Paul Street, Rochester, New York 14605, producer of instrument and carrying cases (accepted April 10, 1981); (16) Pacific Tape Associates, 7005 South Western Avenue, Los Angeles, California 90047, producer of cassette tapes (accepted April 10, 1981); (17) Grace Shoe Manufacturing Company, Inc., 200 Market Street, Lowell, Massachusetts 01852, producer of women's footwear (accepted April 14, 1981); (18) JoLene Company, Inc., 1050 West 350 South, Provo, Utah 84601, producer of children's pants, tops & dresses (accepted April 14, 1981); (19) Novasac Sales Company, Inc., 416 W. 13th Street, New York, New York 10014, producer of handbags, cosmetic bags and tote bags (accepted April 14, 1981); (20) Gerli & Company, Inc., 111 West 40th Street, New York, New York, 10018, producer of fabric, thread and slippers (accepted April 14, 1981); (21) Charter Apparel, Ltd., 40 East 34th Street, New York, New York 10016, producer of men's shirts (accepted April 14, 1981); and (22) Toughlite Lens Company, 7840 N.W. 62nd Street, Miami, Florida 33166, producer of ophthalmic lenses (accepted April 14, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance

Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

*Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.*

[FR Doc. 81-12223 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-24-M

#### **International Trade Administration**

##### **Leather Wearing Apparel From Argentina; Final Affirmative Countervailing Duty Determination**

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

**ACTION:** Final Affirmative Countervailing Duty Determination.

**SUMMARY:** On January 15, 1981, the U.S. Department of Commerce ("the Department") published a preliminary notice finding that the Government of Argentina provides subsidies within the meaning of the countervailing duty law on exports of leather wearing apparel.

On March 13, 1981, the Department entered into a Suspension Agreement with the Government of Argentina. We continued the investigation at the request of the Government of Argentina.

The Department has determined that the Government of Argentina provides benefits on the manufacture, production,

and exportation of leather wearing apparel that constitute subsidies within the meaning of the countervailing duty law.

**EFFECTIVE DATE:** April 23, 1981.

**FOR FURTHER INFORMATION CONTACT:** Vince Kane, Import Administration Supervisor, Office of Investigations, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, (202) 377-5414.

**SUPPLEMENTARY INFORMATION:**

**Procedural Background**

On October 14, 1980, the Department received a petition in proper form from Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri. On behalf of U.S. producers of leather wearing apparel, the petitioner alleged that the Government of Argentina provides to manufacturers, producers, and exporters of leather wearing apparel certain benefits that are bounties or grants ("subsidies") within the meaning of Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act"). In response, on November 14, 1980, the Department published a notice (45 FR 75251) stating that we were initiating a countervailing duty investigation of these imports. We added that because Argentina is not a "country under the Agreement" within the meaning of Section 701(b) of the Act (19 U.S.C. 1671(b)), Section 303 of the Act applies to this investigation and because leather wearing apparel imports are dutiable, there will be no injury determination by the International Trade Commission (ITC).

On January 15, 1981, the Department published a notice of "Preliminary Affirmative Countervailing Duty Determination" (46 FR 3582), finding that the "Reembolso" or payment of export and preferential financing programs were subsidies within the meaning of the countervailing duty law. The aggregate net amount of benefits was preliminarily determined as 33.99 percent ad valorem for leather wearing apparel and 23.99 percent ad valorem for parts and pieces of leather wearing apparel.

On February 5, 1981, the Department and the Government of Argentina agreed to terms for a Suspension Agreement, including the continuation of the investigation. After the 30 days required by the Department's regulations for consultation, the Suspension Agreement became effective.

**Imports Investigated**

The merchandise covered by this investigation is leather wearing apparel,

currently classified in item number 791.76 of the Tariff Schedules of the United States (TSUS). This merchandise includes men's, boys', women's and girls' leather coats, jackets and other leather apparel (such as vests, pants, and skirts), as well as parts and pieces thereof.

**Programs Investigated**

The petitioner has alleged that exports of leather wearing apparel from Argentina to the United States benefit from four programs: a "reembolso" or payment on exports of leather wearing apparel and parts and pieces thereof; a reembolso or payment on exports of tanned leather; an income tax reduction plan; and a preferential financing program.

We noted in our preliminary determination that manufacturers of leather wearing apparel were not eligible for the reembolso on exports of tanned leather and that the income tax reduction program had been abolished. We have since confirmed that these two programs are not in effect or used by the leather wearing apparel industry.

**Programs Found To Result in Payment of a Subsidy**

**1. "Reembolso" program.**

The reembolso program was established in 1971. It authorized a refund, by cash payment on export, of taxes "that bear directly or indirectly" on exported products and/or their component raw materials for the purpose of promoting exports. The amount of the reimbursement is based on a percentage of the f.o.b. price of export shipments and varies by product. For leather wearing apparel, the reimbursement is 20% of the f.o.b. value; for parts and pieces of leather wearing apparel, it amounts to 10% of the f.o.b. value.

In our preliminary determination in this case, we ruled that the reembolso was an export subsidy. At the time, we did not have detailed information upon which we could find the reembolso program a *bona fide* rebate of indirect taxes. Since our preliminary determination, we have collected and verified more extensive information on the application of the reembolso to exports of leather wearing apparel. In light of this additional information, we have reexamined the contention of the Government of Argentina that the reembolso involves a refund of indirect taxes to exporters.

Under U.S. countervailing duty law, the non-excessive rebate of indirect taxes borne by an exported product or on items physically incorporated into

that product is not a subsidy. In order to determine whether a cash payment on export can be considered an indirect tax rebate, we look to see whether (1) the program involved operates for the purpose of rebating indirect taxes; (2) whether there is a clear link between eligibility for payments on exports and indirect taxes paid; and (3) whether the government has reasonably calculated and documented the actual tax incidence borne by the product concerned and has demonstrated a clear link between such tax incidence and the amount paid on export.

The reembolso program is designed to refund taxes that "bear directly or indirectly on export products." The formulation is ambiguous; as a rule, we view taxes borne by a product as indirect and taxes on income, labor, etc. as direct. Further, under our countervailing duty law the rebate of only those indirect taxes which are assessed on the exported product on items physically incorporated into the exported product is permissible.

Based on our review of the total tax incidence which the reembolso is designed to rebate, we are satisfied that the reembolso operates "for the purpose of rebating indirect taxes" and therefore meets our first test. However, had the actual tax programs involved been more heavily weighted toward taxes, which may not be rebated on export without involving a subsidy, our conclusion might have been different.

The fact that the Government of Argentina has designed the reembolso program for the express purpose of promoting exports does not affect our conclusion. We have consistently ruled that what a government may or may not hope to accomplish by a cash payment on export does not determine whether that cash payment operates as an indirect tax rebate. There is nothing contradictory about rebating indirect taxes for the express purpose of strengthening export performance.

More difficult issues are posed, in this case, in the application of the second and third criteria that we apply to determine whether a program such as the reembolso can properly be considered an indirect tax rebate.

The current rates for the reembolso were set in 1976. At the time, the Government of Argentina analyzed the steps of production, and value added at each stage, for each major sector (including leather wearing apparel) of Argentinian industry. The reembolso rate for each sector was then based on the estimated indirect tax incidence derived from this analysis. If an industry believed that the reembolso rate for its

products was too low, a procedure was established under which that industry could petition for a rate increase. The petition has to include a detailed study of the taxes levied on the exports of the products involved. Before granting any rate increase, the Government would verify the tax analysis submitted.

Our first question is whether this methodology for setting the reembolso rate establishes, of itself, the necessary linkage between (1) eligibility for the reembolso and indirect taxes paid, and (2) the amount of the reembolso and a reasonably calculated and documented tax incidence. We have concluded that it does not. The analysis done in 1976 by the Government of Argentina provided only a general model upon which the tax incidence for specific sectors could be estimated. Without more precise evidence of the indirect taxes levied on leather wearing apparel, we would not find that the requisite link exists between indirect taxes actually paid and the reembolso payments.

Supplemental information has been provided. The Government of Argentina has prepared, and provided to the Department, detailed studies (one in 1978 and one in 1980) of the tax incidence on leather wearing apparel products. When considered in conjunction with the more general 1976 study, these detailed reviews of specific taxes levied on leather wearing apparel products provide at least a minimum basis for our determination that the reembolso program does involve a *bona fide* tax rebate.

The supplemental information which has been submitted shows that the taxes levied on finished leather wearing apparel products which the reembolso is designed to rebate total 26.91% of the f.o.b. value of a typical leather garment. The taxes involved, and their rates, are identified with particularity.

According to the submission of the Government of Argentina, the taxes break down in the following way for finished apparel:

Taxes are claimed at five stages of production before the apparel manufacturing stage. Taxes on the livestock producers, herd collector, meat packer, hide buyer, and tanner amounted to 15.04 percent of the value of the apparel.

the taxes and their rates are: 4.0% tax on agricultural production; 2.2% gross turnover tax paid at each stage; 1.0% to 1.5% municipal tax at each stage; 1.0% tax to national meat board; 0.8% Animal Health tax paid twice at different stages of production; A 40.37% weighted average of import duties paid by the tanner for raw materials (dyes, finishes,

chemicals); 24.54% salary taxes paid by the tanner.

Taxes are claimed at the apparel producing stage in the amount of 11.87% of the value of the exported garment. The taxes and their rates are: a 58.19% weighted average of import duties on components and materials; 24.54% salary taxes paid by apparel manufacturer; 5% tax on administrative and overhead expenses; 1.3% municipal tax; 3.0% exportation taxes; 0.6% tax on foreign currency sales; 1.0% statistics tax; 0.2% contribution to Merchant Marine Fund, 1.0% for export contract's stamp tax, 0.2% for miscellaneous excise taxes and insurance.

Under U.S. countervailing duty law (and the Subsidies/Countervailing Measures Code negotiated under auspices of the GATT in the Tokyo Round of multilateral trade negotiations) prior stage cumulative indirect taxes may be remitted *only* if such taxes are levied on the exported goods or goods that are physically incorporated in the exported product. Not all of the taxes identified by the Government of Argentina meet that test.

The reembolso involves a rebate of prior stage cumulative indirect taxes. Of the taxes listed, the rebate of salary taxes at the tannery and apparel manufacturing stage and administrative and overhead expense taxes at the apparel manufacturing stage—a total of 4.62% of the f.o.b. value of finished leather wear apparel—do *not* meet this physical incorporation standard.

We have also disallowed claims for duty paid on certain raw materials. In their tax calculations, the Government of Argentina assumed that 100% of most raw materials used in producing leather wearing apparel were imported and subject to import duties. However, certain of these materials are produced locally. Where we believe that a raw material is produced in Argentina and we have seen no evidence that Argentina's leather wearing apparel industry relies primarily on imports, we have *not* accepted the assumption upon which the Government of Argentina has based its calculations. On this basis, we have disallowed 5.31% of the claimed tax incidence.

Thus, of the total 26.91% tax incidence claimed by the Government of Argentina on finished apparel, we have disallowed 9.93% and allowed 16.98%. While we accept the reembolso as a program to rebate indirect taxes, we have also found that, as it applies to exports of finished leather wearing apparel, it clearly involves a subsidy element.

Based upon Commerce Department policy most recently applied in the case

of *Certain Textiles and Textile Mill Products from India*, the subsidy element is the amount by which the reembolso payment exceeds the total of allowable indirect taxes, which in this case is 3.02 percent for finished leather wearing apparel. In the case of parts and pieces receiving a 10% reembolso, the Department has determined that the allowable indirect tax level is 16.91%. Based on this analysis there is no subsidy element on exports of parts and pieces under the reembolso program.

We have followed precedent in this case by limiting the subsidy amount of the reembolso to the amount by which the reembolso rate exceeds the total incidence of allowable indirect taxes we have found covered by the program. However, insofar as such an approach assumes (without any factual basis for doing so) that the reembolso is meant to rebated such allowable taxes in their entirety rather than rebate the allowable taxes in the proportion that such taxes bear to the total taxes covered by the program, we risk backing into an offset policy.

Accordingly, we are considering a policy for future cases (and subsequent reviews of existing cases) under which programs like the reembolso (i.e., programs designed to rebate a pool of taxes, some of which are "allowable" but others of which are not "allowable") would involve a subsidy element equal to that portion of the export payment which the amount of "disallowable" taxes covered by the program bears to the total taxes covered. Thus, for example, if a payment on export of \$12 were designed to rebate an aggregation of \$20 taxes of which one third were *not* indirect taxes which are rebatable under our countervailing duty law, the subsidy element of the \$12 payment would be \$4.

#### Preferential Financing Program

Argentina has a export financing program providing a preferential interest rate for U.S. dollar denominated loans at 1% interest. When converted to a local currency loan, with adjustment for exchange rate devaluation, the preferential interest rate was 24.43% in 1980.

This program makes available to exporters pre-export funds, for a period of up to 180 days, to finance production. The funds are provided by the Central Bank Argentina and administered through private commercial banks to individual corporate borrowers. The Central Bank limits its financial participation to a percentage of the export's f.o.b. value. For leather wearing apparel, the percentage is 55 percent. The repayment must come from export



sales and, for leather wearing apparel, must take place within 60 days of the effective export date.

To calculate the actual benefit of this financing program we compared the relative costs of loans under the program to loans available from banks at existing commercial rates. For most firms, this involved the rate for loans in local currency. For one, we found that U.S. dollar financing was commercially available. We then multiplied the difference in rates by the loan amount used under the program. This total was then divided by total exports to the U.S. yielding an ad valorem benefit rate.

We have determined that commercially available loans in local currency had an interest rate of 100.4 percent in 1980. Comparing this with the 23.43% preferential financing rate when the dollar denominated loan is converted to a peso loan, we have found an effective interest rate benefit of 75.97 percent. This rate, annualized, multiplied by the loan amount made available to exporters to the U.S., and divided by total leather wearing apparel exports to the U.S., yields an ad valorem benefit of 4.86% percent.

We found that one firm, Comercio Internacional, has alternative foreign commercial sources of financing pegged to the U.S. dollar.

Interest rates for these loans are U.S. prime plus two percentage points for intermediation charges. In 1980, this rate was 13 percent. We deduct 1.0 percent (adjusted nominal cost of the dollar denominated loans under the preferential financing) to calculate the benefit to borrowers under the program. Multiplying this the dollar-pegged, beneficial interest rate, as we did the loans domestically available, we calculated a benefit of .77 percent ad valorem.

#### Final Determination

In accordance with Section 303 of the Act (19 U.S.C. 1303, 1671e) and 355.36 of the Department of Commerce Regulations (19 CFR 355.36) I hereby determine that Government of Argentina provides manufacturers, producers, and exporters of leather wearing apparel subsidies within the meaning of Section 303 of the Tariff Act.

The aggregate net amount of these subsidies equals 7.88 percent on leather wearing apparel to the United States and 4.86 percent on parts and pieces, consisting of the following subsidy amounts:

	Percent
Preferential Financing Program	4.86
Total	7.88
Parts and Pieces of leather wearing apparel	
Preferential Financing Program	4.86
Total	4.86

The subsidy for Comercio Internacional yielded a lower rate due to the lower financing subsidy. For Comercio Internacional the total amount of the subsidies equals 3.79 percent for leather wearing apparel and .77 percent for parts and pieces of leather wearing apparel.

In the event the March 13, 1981, Suspension Agreement is not adhered to by the Government of Argentina, countervailing duties in the amount of 7.88 percent for leather wearing apparel and 4.86 percent for parts and pieces of leather wearing apparel will be assessed exports except those from Comercio Internacional. Exports from Comercio Internacional will be assessed at 3.79 percent for leather wearing apparel and .77 percent for parts and pieces of leather wearing apparel.

John D. Greenwald,  
Acting Assistant Secretary for Trade Administration.

April 20, 1981.

[FR Doc. 81-12222 Filed 4-23-81; 8:45 am]

BILLING CODE 3510-25-M

#### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before May 13, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00153. Applicant: Pennsylvania Hospital, 8th and Spruce Streets, Philadelphia, PA 19107. Article:

Madds Microdialysis Machine with Accessories. Manufacturer: Institute of Medical Bio-chemistry, University of Aarhus, Denmark. Intended use of article: The article is intended to be used for studies of the reserve binding capacity of human serum albumin for bilirubin. This will be determined in micro serum sample from jaundiced premature infants in whom blood is already being drawn for measurement of serum bilirubin during the course of routine medical care. Application received by Commissioner of Customs: February 26, 1981.

Docket No. 81-00154. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012—P.O. 2093601, Livermore, CA 94550. Article: Phase-Separated Laser Optical Glass Type ARG-2. Manufacturer: Hoya Corporation, Japan. Intended use of article: The article is intended to be used in the country's most advanced effort to demonstrate the feasibility of the generation of useable power in a controlled thermonuclear fusion reaction. Experiments will be conducted using the NOVA 10-arm laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, thereby producing for the first time in any research facility thermonuclear reaction of as many as  $10^{14}$  neutrons per microexplosion. Application received by Commissioner of Customs: March 4, 1981.

Docket No. 81-00162. Applicant: Martin Luther King Hospital/Charles Drew Medical School, Department of Pathology, 12021 S. Wilmington Avenue, Los Angeles, California 90059. Article: Electron Microscope, Model H-600. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for the following research purposes:

1. Examination of myocardial biopsies from patients with myocarditis of unknown etiology.
2. Diagnostic examination of undifferentiated malignancies, and
3. Evaluation of environmental contaminants found in large urban areas.

The article will also be used in an introductory training course for both faculty and resident research. This course will begin with an introduction to preparative techniques, the use of fixatives, special staining techniques, "thick" section versus "thin" sections and sampling problems. The second half of the course will deal with operation of the instrument as an introduction to interpretation. Application received by

	Percent
Leather Wearing Apparel: Reembolso Program	3.02

Commissioner of Customs: March 12, 1981.

Docket No. 81-00163. Applicant: U.S. Department of Energy c/o Battelle Memorial Institute, Pacific Northwest Laboratory, P.O. Box 999, Richland, WA 99352. Article: Scanning Electron Microscope, Model JSM-35C. Manufacturer: JEOL Inc., Japan. Intended use of article: The article is intended to be used for studies of materials related to nuclear waste disposal forms and containment packages. The objective of these studies is to understand the microstructural behavior of radioactive nuclear waste solid forms, and provide information for predicting their long-term behavior. Since microscopy methods can often detect incipient changes well in advance of other types of measurements, these experiments will attempt to anticipate structural instability problems, and understand failure mechanisms in waste storage materials. Study of radioactive forms will be compared with behavior of simulated waste forms, to evaluate the reliability of the large amount of simulated waste information already on hand. The resulting data will contribute to optimum design of reliable nuclear waste disposal forms. Application received by Commissioner of Customs: March 12, 1981.

Docket No. 81-00165. Applicant: Duke University, Durham, N.C. 27706. Article: Radiation and Temperature Integrators with Digital LED Output. Manufacturer: Dr. F. I. Woodward, United Kingdom. Intended use of article: The article is intended to be used to characterize environmental profiles in several habitat types in tropical rainforests in Costa Rica. The overall objective of this study is to characterize the environment to provide baseline information for physiological study of tree species. Application received by Commissioner of Customs: March 24 1981.

Docket No. 81-00167. Applicant: NASA/Goddard Space Flight Center, Greenbelt Road, Greenbelt, MD 20771. Article: Micro-Measurement Instrument, Model 75-1002, 112/1037M with Accessories. Manufacturer: Rank-Taylor-Hobson, United Kingdom. Intended use of article: The article is intended to be used for research and development of optical reflecting diffraction gratings. Experiments will be conducted to determine the relationship relative to various groove profiles of the gratings. Application received by Commissioner of Customs: March 23 1981.

Docket No. 81-00169. Applicant: University of Southwestern Louisiana, P.O. Box 41008, Lafayette, LA 70504. Article: Electron Microscope, Model H-

600-3. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article is intended to be used for the following research interests:

1. Process of sporogenesis, including meiosis and spore wall development, in lower plants.
2. Spermatogenesis and fertilization in bryophytes using techniques of light and transmission electron microscopy.
3. Cytoskeletal systems in bryophytes using primarily transmission electron microscopy.
4. Reproductive cytology of flowering plants, especially stamen and pollen development.
5. Ultrastructure and phylogeny of mosses.

Such information is basic to the understanding of reproductive cytology and evolution of plants. In addition to developmental information, findings will be useful in identification of phylogenetically important characters, interpretation of homologies, and determination of evolutionary trends. The article will also be used in a biology course to present the basics of electron microscopy including specimens preparation, ultramicrotomy and instrument operation. Application received by Commissioner of Customs: March 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-12242 Filed 4-22-81; 6:45 am]

BILLING CODE 3510-25-M

### National Oceanic and Atmospheric Administration

#### Availability of Fiscal Year 1981 Funds for Development of Federal and State Cooperative Climate Activities

##### ACTION: Notice.

**SUMMARY:** The National Climate Program Office announces availability of FY 1981 funds to continue the development of Federal and State cooperative climate activities required by Public Law 95-367, Section 6. Projects will be funded through grants and cooperative agreements. Grants will be awarded when there is no substantial Federal performance involvement with the project, while cooperative agreements will be awarded when substantial performance involvement between NOAA and the recipient is anticipated. Any person or group outside the Federal Government may submit a proposal. This notice sets forth conditions under which proposals will

be evaluated to determine appropriateness for funding.

**DATE:** Applications must be received no later than June 1, 1981.

**ADDRESS:** National Climate Program Office, 6010 Executive Boulevard, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION, CONTACT:** Dr. Peter J. Robinson, Telephone 301-443-8981.

**SUPPLEMENTARY INFORMATION:** A. *Scope and Purpose of this Announcement.* This announcement continues the first phase of development of the Intergovernmental Climate Program aspect of the National Climate Program. The purpose of the projects covered by this announcement is to demonstrate, by example, the need for and value of an Intergovernmental Climate Program. Proposals may involve data acquisition and analysis, information services or effects studies, or any combination thereof. Projects may be aimed at a particular user-group or to problems of wide general applicability, and may refer to any size geographical area up to and including a group of states.

To the extent possible, findings resulting from this announcement will be rapidly disseminated to assist the Federal Government, States, and private parties in developing subsequent phases of the Intergovernmental Climate Program.

B. *Eligible Applicants.* Any non-Federal public or private, profit or nonprofit entity or individual is eligible to apply for a grant under this announcement.

C. *Program Objectives.* The functions of the Intergovernmental Climate Program are detailed in the National Climate Program Act, Public Law 95-367, Section 6(b). The program is being initiated through a phased development. Phase 1 was initiated in FY 1980 and the projects covered by this notice continue the program development. The objective of Phase 1 is to demonstrate both the methods of implementing the program and the benefits to be gained from it. Projects solicited herein should address:

- (1) development of models of climate services tailored to local needs,
- (2) analysis of the cost to benefit ratios, or other contributions to the public well-being, of services provided,
- (3) methods of interaction within and between States, and between the States and the Federal Government, in the provision of data, information and services,
- (4) innovative uses of data and information in order to expand the market for climate services, encouraging

private sector climatologists to initiate and maintain self-sustaining businesses.

Projects should consider any or all of:

(a) data base requirements and management, including if appropriate the need and requirements for incorporating near real time data into informational products,

(b) methods of identification of users and user groups and their requirements,

(c) techniques of information generation and dissemination tailored to specific users or user groups,

(d) administrative organization of local services, including where appropriate the needs and requirements for regional programs incorporating several states,

(e) methods of identifying, justifying and implementing needed effects studies.

**D. Review Criteria.** All proposals received as a result of this solicitation will be evaluated by a Grant Evaluation Board (GEB) in accordance with the evaluation factors outlined below. The evaluation factors will be applied in an identical manner to all proposals. Scoring values are assigned to indicate the relative importance of each factor. The following factors will be given paramount consideration in the awarding of a grant:

(1) The appropriateness of the climate service delivery system to meet the needs of local users in an efficient and effective manner, and the ability of the system to serve as a role model for other states or regional groups: 20%,

(2) The adequacy of the techniques used to establish the cost to benefit ratios or other contributions to the public well being of the services provided: 20%

(3) The ability of the project to assist in identifying the federal and state roles in providing local climate services: 20%

(4) The ability of the project to identify new uses and users of climate data and information: 20%,

(5) The adequacy of the project in terms of level of effort, time, costs, organization, and management, and the appropriateness of the project within the constraints of the facilities available and the qualifications of the personnel involved: 20%

**D. Review Process.** All applications submitted by June 1, 1981 will be reviewed and ranked by a GEB composed of a minimum of three Federal agency staff members with expertise in climate services and intergovernmental programs. The grant awards will be made by the NOAA Grants Officer approximately 4 weeks from the closing date for receipt of applications.

**E. Funds.** For fiscal year 1981 the National Climate Program Office has \$100,000 available for funding the new demonstration projects solicited herein. It is anticipated that about four projects will be funded. Grants and cooperative agreements will be awarded for a period of one year and may be continued on a noncompetitive basis for two additional years, if originally awarded as a multiyear project. Continuation funding is contingent upon the availability of future year funds, the meeting of project objectives, and the continued relevance of the project to Intergovernmental Climate Program objectives. Any proposal submitted for multiyear funding shall contain a detailed proposal for the initial year in which funding is requested plus an outline of planned activities and expected costs for the succeeding year(s). A detailed plan of those activities and costs to occur in succeeding year(s) shall be submitted within 6 months after an award is made.

**G. Required Format.** The format used for project proposals should give a clear presentation of the proposed project and its relation to the specific objectives contained in this notice. Each proposal should follow the format outlined below unless the National Climate Program Office specifically authorizes exceptions.

(1) **Cover Page.** The cover page should be typed according to the following format (submit separate cover pages if the proposal is multi-institutional):

Title of Proposal \_\_\_\_\_  
 Name of Principal Investigator(s) \_\_\_\_\_  
 Total Cost of Proposal \_\_\_\_\_  
 Period of Proposal \_\_\_\_\_  
 Organization or Institution and Department \_\_\_\_\_  
 Required Signatures  
 Principal Investigator(s):  
 Name \_\_\_\_\_  
 Date \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Required Organization Approval:

Name\* \_\_\_\_\_  
 Date \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

Organization Financial Officer:

Name\* \_\_\_\_\_  
 Date \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

(2) **Project Description.** Each proposal shall provide, in ten pages or less, a complete and accurate description of the proposed project. This section should provide the basic information to be used

in evaluating the proposal to determine its priority for funding.

The information provided in this section must be brief and specific. Detailed background information may be included as supporting documentation to the proposal.

The following format shall be used for the project description:

**a. Project Goals and Objectives.** The project's objectives must be clearly and unambiguously stated. To the greatest extent possible they should be stated in quantitative terms or other descriptors that can be measured.

**b. Project Outline.** The proposal should clearly define the tasks that are to be performed, the key events or milestones in accomplishing the task schedule, and the feasibility of achieving these events or milestones.

**c. Project Benefits.** The project should indicate the direct and indirect benefits that the project seeks to achieve and to whom these benefits will accrue. These benefits should be described in quantitative terms to the extent possible and practical.

**d. Project Management.** The proposal should describe how the project will be organized and managed, and should list those persons or groups assigned to the project along with their qualifications and their level of involvement in the project.

**e. Project Evaluation.** The proposal must describe how the progress of the project will be monitored and evaluated while the project is underway and upon completion. It must also indicate what actions the applicant will undertake in the event that project objectives become unattainable. This is particularly important for demonstration projects where specific tasks and results may be influenced by factors beyond the control of the applicant.

**f. Project Costs.** The proposal must provide a detailed schedule of project costs, identifying in particular:

- (a) Salaries and Fringe Benefits
- (b) Equipment
- (c) Travel
- (d) Publication costs
- (e) Other direct costs (specify)
- (f) Indirect costs (attach negotiated agreement)
- (g) Total costs

Applicants capable of cost sharing should specify the sources and amounts of non-Federal contributions, and the nature and source of in-kind non-Federal contributions. Those applicants not capable of cost sharing should provide a statement to that effect.

(3) **Supporting Documentation.** The supporting documentation should

\* Signatures may not be "per".

contain any additional information that will strengthen the proposal.

(4) Restriction on Use and Disclosure of Proprietary Data. The proposal submitted in response to this solicitation may contain technical or other data which the applicant or the applicants subcontractor(s) does not want used or disclosed for any purpose other than the evaluation of the proposal. The use and disclosure of any such data may be so restricted, provided the applicant marks the cover sheet of the proposal with the following legend:

"This data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed, in whole or in part for any purpose other than to evaluate the proposal; Provided, that if a grant is awarded to this applicant as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the grant document. This restriction does not limit the Government's right to use information contained in the data if it is obtainable from another source without restriction. The data subject to this restriction is contained in sheets

Also, each sheet containing restricted data shall be marked with the following: "Use or disclosure of proposal data is subject to the restriction on the title page of this Proposal."

H. *Application Submission and Deadline.* One signed original and two (2) copies of all completed applications must be received no later than June 1, 1981 by the National Oceanic and Atmospheric Administration, Grants Management Branch, MB/A012, 6010 Executive Boulevard, Rockville, Maryland 20852. Applications postmarked on or before May 29, 1981 will be assumed to have met this deadline.

Dated: April 17, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-12177 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-12-M

#### Issuance of Permit

On March 13, 1981, Notice was published in the *Federal Register* (46 FR 16699), that an application had been filed with the National Marine Fisheries Service by Marine Life Aquarium, Keystone Route Box 134A, Highway 16, Rapid City, South Dakota 57701, for a permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on April 14, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marine Life Aquarium, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,  
National Marine Fisheries Service,  
3300 Whitehaven Street NW.,  
Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region,  
9450 Koger Boulevard, Duval Building,  
St. Petersburg, Florida 33702.

Dated: April 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12281 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-22-M

#### Issuance of Permit

On February 11, 1981, Notice was published in the *Federal Register* (46 FR 11856), that an application had been filed with the National Marine Fisheries Service by Southwest Fisheries Center, National Marine Fisheries Service, for a permit to take, capture, hold, tag, and release five pup Hawaiian monk seals, and to take, measure, tag, and release ten weaned Hawaiian monk seal pups (*Monachus schauinslandi*) for the purpose of scientific research.

Notice is hereby given that on April 16, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a permit to the Southwest Fisheries Center, for the above taking subject to certain conditions set forth therein.

Issuance of this permit as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974).

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,  
National Marine Fisheries Service,  
3300 Whitehaven Street NW.,  
Washington, D.C.; and  
Regional Director, National Marine Fisheries Service, Southwest Region,  
300 South Ferry Street, Terminal Island, California 90731.

Dated: April 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12283 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-22-M

#### Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:
  - a. Name: District Engineer—Corps of Engineers (P272).
  - b. Address: 2nd & Chestnut Streets, Philadelphia, Pennsylvania 19106.
2. Type of Permit: Scientific Purposes.
3. Names and Number of Animals: Shortnose sturgeon (*Acipenser brevirostrum*) Unspecified.
4. Type of Take: Shortnose sturgeon will be captured, weighed, and tagged. Sampling will include stomach contents. Eggs, and larvae will be collected from spawning areas on a limited basis.
5. Location of Activity: Delaware River.

6. Period of Activity: 5 years.  
Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 26, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not

necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 15, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

(FR Doc. 81-12290 Filed 4-22-81; 8:45 am)

BILLING CODE 3510-22-M

### Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

#### 1. Applicant:

a. Name: Mr. Brent S. Stewart (P278).  
b. Address: 700 South Shores Road, San Diego, California 92109.

#### 2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Northern elephant seals (*Mirounga angustirostris*) 1,000+; California sea lion (*Zalophus californianus*) 1,000+; Harbor seal (*Phoca vitulina richardsii*) 1,000+; Northern sea lion (*Eumetopias jubatus*) 1,000+; Northern fur seal (*Callorhinus ursinus*) 1,000+.

4. Type of Take: 1,000 Northern elephant seals will be marked with bleach or paint for identification purposes. Unspecified numbers of 5 species of pinnipeds may be inadvertently harassed in the course of aerial and beach walk censusing.

5. Location of Activity: San Nicolas and San Miguel Islands, California.

#### 6. Permit of Activity: 4 years.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 26, 1981. Those individuals requesting a hearing should set forth the specific reasons why a

hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 17, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

(FR Doc. 81-12292 Filed 4-22-81; 8:45 am)

BILLING CODE 3510-22-M

### Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

#### 1. Applicant:

a. Name: Zoo La Palmyre. S. A. Zoo Faune Tropicale (P279).

b. Address: 17570 Les Mathes, France.

#### 2. Type of Permit: Public Display.

3. Name and Number of Animals: California Sea Lions (*Zalophus californianus*) 5.

4. Type of take: Transfer for permanent maintenance.

5. Location of Activity: Beached and stranded animals as available.

#### 6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for

a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before May 26, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Republic of France have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 17, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals  
and Endangered Species, National Marine  
Fisheries Service.

[FR Doc. 81-12294 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-01-M

## National Technical Information Service

### Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Purdue Research Foundation of West Lafayette, Indiana a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "High Performance Lightweight Structural Particleboard."

The invention is protected by U.S. Patent 4,246,310 (dated January 20, 1981). Copies of the patent may be purchased from the Commissioner of Patents and Trademarks, Washington, D.C. 20231 at fifty cents per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture. 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 as Patent Application Serial Number 934,290 in the *Federal Register* (44 FR 7192; February 6, 1979); *Government Inventions for Licensing* (February 13, 1979); and the Patent and Trademark Office's *Official Gazette* (February 27, 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 with a right to sublicense will be royalty-bearing and will be revocable after five years if the products embodied in the invention have not been made commercially available to the public. The terms and conditions of the license and sublicenses will comply with 35 U.S.C. 209 (Pub. L. 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 basic therefor).

Melvin S. Day,

Director.

[FR Doc. 81-12215 Filed 4-22-81; 8:45 am]

BILLING CODE 3510-04-M

## COMMISSION OF FINE ARTS

### Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, May 12, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

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

Charles H. Atherton,

Secretary.

[FR Doc. 81-12167 Filed 4-22-81; 8:45 am]

BILLING CODE 6330-01-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Mercantile Exchange: Proposed Terms and Conditions of a Gold Coins Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rules.

**SUMMARY:** The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in futures on Gold Coins. The proposed contract calls for delivery of thirty gold bullion coins which are of a single denomination and type, and are legal tender in the country of issue. Each deliverable coin must contain at least one troy ounce of fine gold when issued, have a minimum fineness of at least .900, and be in mint condition. The Commodity Futures Trading

Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before June 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 CME Gold Coins.

### FOR FURTHER INFORMATION CONTACT:

Lawrence Dolins, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Robert Clark, Division of Economics and Education (202) 254-7303.

**SUPPLEMENTARY INFORMATION:** The terms and conditions of the CME's proposed Gold Coins futures contract are as follows:

### Gold Coins

February 20, 1981.

—00. Scope of Chapter.—This chapter is limited in application to futures trading in gold coins. The procedures for trading, clearing, inspection, delivery and settlement and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

—01. Commodity Specifications.—Each futures contract shall be for 30 gold coins, which are acceptable to the IMM, are of a single denomination and type, and are legal tender in the country of issue. Each deliverable coin must contain at least one troy ounce of fine gold when issued, have a minimum fineness of at least .900 (900.0 parts per thousand), and be in mint condition.

—02. Futures Call.—

**A. Trading Months and Hours—**Futures contracts shall be scheduled for trading during such hours and delivery in March, June, September, December, and the spot month.

**B. Size of Trading Unit—**The unit of trading shall be 30 gold coins.

**C. Minimum Price Increments—**Minimum price fluctuations shall be in multiples of \$.25 per coin (\$7.50 per contract).

**D. Daily Price Range—**There shall be no trading at a price more than \$50.00 per coin above or below the previous day's settlement price, except as provided by Rule —09 and except that

there shall be no limit in the spot month, which for the purpose of this rule shall begin on the last day of trading of the expiring contract month.

**E. Accumulation of Positions.**—For purposes of this rule, the positions of all accounts owned or controlled by a person or persons acting in concert or in which such person or persons have a proprietary or beneficial interest shall be cumulated. The Board may impose position limits for any such account or accounts as it deems appropriate.

**F. Termination of Trading.**—Futures trading shall terminate on the business day immediately preceding the last five business days of the spot month.

**G. Contract Modification.**—Specifications shall be fixed as of the first day of trading of a contract except that all deliveries must conform to government regulations in force at the time of delivery. If any U.S. governmental agency or body issues an order, ruling, directive or law pertaining to the trading or delivery of gold coins, such order, ruling, directive or law shall be construed to take precedence and become part of these rules and all open and new contracts shall be subject to such governmental orders.

—03. **Delivery.**—In addition to the applicable procedures and requirements of Chapter 7, the following shall specifically apply to the delivery of gold coins:

**A. Delivery Days.**—Delivery may be made on any Exchange business day of the spot month except that delivery will not be allowed from an approved Chicago safekeeping facility observing a holiday on an Exchange business day.

**B. Seller's Duties.**—To start the delivery process, the clearing member representing the seller shall by 8:00 p.m. on the second business day preceding the delivery day present to the Clearing House a Notice of Intent to Deliver on a form prescribed by the Clearing House. The Notice shall identify the negotiable warehouse receipt to be delivered. The negotiable warehouse receipt, representing deliverable gold coins held in an Exchange approved depository, shall be deposited in a safekeeping account at an Exchange approved Chicago safekeeping facility no later than 12:00 noon on the day preceding the delivery day.

By the delivery of a negotiable warehouse receipt for gold coins, duly transferred in fulfillment of an Exchange contract, the seller is deemed to guarantee to his transferee and each subsequent transferee of the receipt for delivery on Exchange contracts, and their respective immediate principals, the quantity, type, and quality of the gold coins shown on the receipt.

**C. Buyer's Duties.**—A buyer receiving a notice of delivery shall make payment by 12:00 noon on the delivery day at an Exchange approved Chicago safekeeping facility. Buyer's payment shall be by wire transfer of same-day funds to an account designated by the seller. Title to the negotiable warehouse receipt shall pass from the seller to the buyer by book-entry upon payment by the buyer.

**D. Payment.**—Payment shall be based on the settlement price established on the business day that the seller tenders the notice to deliver to the Clearing House. Payment shall be calculated according to the following formula:

$$\text{Payment} = 30 \text{ gold coins} \times \frac{\text{settlement price}}{\text{price} + \text{prepaid storage charges}}$$

where prepaid storage charges cover costs incurred after the delivery day through the last calendar day of the current calendar quarter.

—04. **Par Delivery.**—

**A. Par Delivery.**—Par delivery shall consist of a negotiable warehouse receipt of an Exchange approved depository for 30 gold coins, which are acceptable to the IMM, are of a single denomination and type, and are legal tender in the country of issue. Each deliverable coin must contain at least one troy ounce of fine gold when issued, have a minimum fineness of at least .900 (900.0 parts per thousand), and be in mint condition.

**B. Delivery Points.**—Deliverable negotiable warehouse receipts must be issued by Exchange approved depositories, and be delivered at an Exchange approved Chicago safekeeping facility.

—05. **Certification.**—To be eligible for delivery on the Exchange, all gold coins must be certified by an Exchange approved certifier as to (1) type and fine gold content of the coins, (2) number and condition of the coins, (3) seal number, (4) date of certification, and (5) name of Exchange approved certifying authority. Deliverable gold coins must be shipped directly from the Exchange approved certifying authority via Exchange approved carriers to Exchange approved depositories.

All gold coins, if not continuously in the custody of an Exchange approved depository or carrier, must be recertified as required above to be eligible for delivery. The Exchange shall set forth such standards and procedures it deems necessary and appropriate for the form and content of the certification and for the designation of approved carriers, certifying authorities, depositories, and Chicago safekeeping facilities.

—06. **Costs of Insurance, Storage, and Recertification.**—Charges for services

including storage and insurance rendered by an approved depository shall not exceed the rates as set forth in the tariff filed with the Exchange no later than 60 days prior to delivery.

No storage receipt covering gold coins in approved storage facilities shall be valid for delivery on a futures contract unless the storage charges on such gold coins shall have been paid up to and including the last calendar day of the current calendar quarter.

Any person receiving delivery may request recertification prior to physical removal of the delivery unit from an approved depository. In such case he shall pay the cost of such certification, unless the delivery unit shall be declared unacceptable for delivery as a result of the reinspection, in which case the seller shall pay all costs of the reinspection. The buyer or his representative shall be entitled to be present at the reinspection, which shall be conducted by an approved certifier as designated by the seller.

—07. **Emergencies, Acts of God, Acts of Government.**—If delivery or acceptance of any precondition or requirement of either is prevented by strike, fire, accident, act of government, act of God, or other emergency, the seller or buyer shall immediately notify the Exchange President. If the President determines that emergency action may be necessary, he shall call a special meeting of the Board of Governors or the Business Conduct Committee and arrange for the presentation of evidence respecting the emergency condition. If the Board or the Committee determines that an emergency exists, it shall take such action as it deems necessary under the circumstances, and its decision shall be binding upon all parties to the contract. For example, and without limiting the Board's or the Committee's power it may extend delivery dates; and designate alternate approved depositories or safekeeping facilities in the event of conditions interfering with the normal operations of approved facilities.

In the event that the Board of Governors or Business Conduct Committee determines that there exists a shortage of deliverable gold coins, it may upon a two-thirds vote of the members present or upon a two-thirds vote of the members who respond to a poll, take such action as may in the Board's or Committee's sole discretion appear necessary to prevent, correct or alleviate the condition. Without limiting the foregoing, the Board or Committee may: (1) Designate as deliverable gold bars at a value per ounce as determined by the Board or the Committee and/or

(2) determine a cash settlement price based on appropriate quotations.

—08. Failure To Perform.—If the clearing member with a delivery commitment fails to perform all acts required for delivery of gold coins, then that clearing member shall be deemed as failing to perform which may be punishable as a major violation. A clearing member failing to perform shall be liable to the clearing member to which it was matched on the failing transaction for any loss sustained. The Board shall determine and assess losses sustained, taking into account the settlement price, changes in the market, interest earnings foregone, and such other factors as it deems appropriate. The Board may also assess such penalties as it deems appropriate in addition to damages.

—09. Expanded Daily Price Limits.—Whenever on two successive days any contract month closes at the normal daily price limit in the same direction (not necessarily the same contract month on both days) an expanded daily price limit schedule shall go into effect as follows:

1. The third day's price limit in all contract months shall be 150% of the normal daily price limit.

2. If any contract month closes at its expanded daily price limit on the third day in the same direction, then the fourth day's expanded daily price limit and each successive day thereafter, shall be 200% of the normal daily price limit, so long as any contract month closes at its expanded daily price limit.

3. Whenever the foregoing daily price limit schedule is in effect and no contract month closes at the price limit in the same direction which initiated or maintained the expanded schedule, then the normal daily price limit shall be reinstated on the following day.

February 18, 1981

Other materials submitted by the CME 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)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the

terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CME in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 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 20, 1981.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 81-12224 Filed 4-22-81; 8:45 am]  
BILLING CODE 6351-01-M

**Chicago Mercantile Exchange:  
Proposed Separate Rate Bases for  
Shipments From Canadian and U.S.  
Origins to U.S. Destinations in the  
Random Length Lumber Futures  
Contract**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rule amendment.

**SUMMARY:** The Chicago Mercantile Exchange ("CME") has submitted a proposal, pertaining to its Random Length Lumber contract, to provide separate rate bases for shipments originating in the U.S. and Canada with U.S. destinations. The proposal responds to the difference that has developed between the freight rate for shipments from Portland, Oregon, and the freight rate for shipments from Vancouver, British Columbia, which has caused a distortion in the contract's existing pricing basis. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before May 26, 1981.

**ADDRESS:** Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CME Random Length Lumber Rate Bases.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Dolins, Esq., Division of

Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955; or Blake Imel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-3201.

**SUPPLEMENTARY INFORMATION:** The Commodity Futures Trading Commission, in accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), has determined that proposed amendment to Rule A1703.C. of the Chicago Mercantile Exchange concerning its Random Length Lumber contract is of major economic significance. The CME proposes that the rule revision, if approved, would apply only to new contract months which commence trading after Commission approval. The text of CME's proposed amendment is printed below, using italics to indicate additions:

If the buyer's designated destination is east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Texas and Oklahoma, and the western boundary of Manitoba, Canada, the seller shall follow the buyer's shipping instructions within seven (7) business days after receipt of such instructions. In addition, the seller shall prepay the actual freight charges and bill the buyer through the Clearing House on the weight basis of 1,800 pounds per thousand board feet and either, *if a United States origin*, the rate basis of either the lowest published freight rate, in the rate class available to the shipping mill, from Portland, Oregon to the buyer's destination or the actual freight rate prepaid by the seller, whichever is lower, *or if a Canadian origin*, the rate basis of either the lowest published freight rate, in the rate class available to the shipping mill, from Vancouver, British Columbia, to the buyer's destination or the actual freight rate prepaid by the seller, whichever is lower.

Other materials submitted by the CME in support of its rule amendment 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)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of



the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed rule amendment, or with respect to other materials submitted by the CME in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. 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 20, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12225 Filed 4-22-81; 8:45 am]

BILLING CODE 6351-01-M

### Application by the National Futures Association for Registration as a Registered Futures Association; Public Hearing

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of application for registration as a registered futures association and notice of public hearing.

**SUMMARY:** The National Futures Association ("NFA") has applied to the Commodity Futures Trading Commission ("Commission") for registration as a registered futures association. The NFA's application consists of a registration statement, articles of incorporation and proposed bylaws, compliance rules, code of arbitration and financial requirements. The Commission has determined that publication of the application and the opportunity for interested persons to present testimony at a public hearing concerning the NFA application is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act ("the Act"). Because of the length of the application the Commission has decided to publish the summary prepared by the NFA of its proposed organization, membership and rules.

**DATES:** Comments must be received on or before June 22, 1981; a public hearing is scheduled to be held on June 4, 1981 at 9:30 a.m.; requests to present oral testimony at the public hearing must be received on or before May 22, 1981.

**ADDRESSES:** Interested persons should submit their views and comments and requests to testify to Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the application of the National Futures Association. The Hearing will be held in Room 538, 2033 K Street, N.W., Washington, D.C. 20581.

**FOR FURTHER INFORMATION CONTACT:** Linda Kurjan, Esq., Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** The NFA's summary of its proposed organization, membership and rules is as follows:

#### 1. The Board of Directors

The NFA Board of Directors will be composed of forty (40) members.

Each contract market will be represented on the board. One seat will be allocated to each exchange having 20% or less of the total futures volume on American markets during the preceding year, while contract markets with more than 20% of annual volume will have two seats on the Board.

There will be 14 representatives of futures commission merchants ("FCMs") on the board: FCMs with from one to fifteen offices will have 4 seats, as will FCMs with from sixteen to fifty offices. FCMs with more than fifty offices will have 6 seats.

Commodity pool operators will have 2 seats on the board, and commodity trading advisors will have 3 seats.

Commercial users of the markets will have 3 seats, and commercial bankers will have 2 seats.

Three seats are designated for "public" directors, meaning individuals with no present direct affiliation with the industry.

With the exception of contract markets, all of which are on the Board, not more than one-half of the Board members in any of the other "categories" may be from the same geographical Region, as defined later. Moreover, if an individual connected with a particular firm serves on the Board in any "category," that firm and its affiliates may not have another representative in that category or in any other category. The aim of these restrictions is to assure the broadest possible representative of the industry on the Board.

#### 2. The Executive Committee

While all decisions about Bylaws, budgets, funding, plans and priorities will be made by the full Board, it is too large to serve as the daily overseer of NFA management. Thus, an Executive

Committee has been created to perform that function.

The Executive Committee will have 9 members. The President will be a member, as will 8 directors. There will be 2 directors representing contract markets, one for an over-20% exchange and one for a smaller market, but the two individuals must be from exchanges in different Regions. There will be 3 FCM directors on the Executive Committee, but not more than two can be from the same Region. There will be 2 representatives from the Industry Participant category (other than commercial banks), but they must be from different categories and different Regions. For example, there cannot be two commodity pool operators on the Executive Committee at the same time, nor can the two individuals be from the same Region even though they fall into different categories. Finally, one of the "public" directors will serve on the Executive Committee.

Because the Executive Committee is organized along "category" lines, the members will be elected by the directors in that particular category, except that the public director on the committee will be elected by the full Board.

#### 3. The Regions

As noted above, there are "Region" restrictions on both the Board and the Executive Committee to assure geographical balance. Three such Regions have been defined: Eastern, Central and Western; and particular States have been assigned to each Region. The regional delineations are based upon three factors. First, certain industry participants relate primarily to the New York financial community; others to Chicago; and still others have no strong affinity to either location. Second, each Region has been defined to assure that there are at least several contract markets in each. And, third, the Regions have been defined in a way that results in a comparable number of prospective NFA Members situated in each of the State groupings.

With these factors in mind, the Regions have been drawn to embrace the following areas:

Eastern Region: Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina and South Carolina  
Central Region: Ohio, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Michigan, Indiana, Illinois, Wisconsin, Iowa, Arkansas and Texas; and Puerto Rico,

the U.S. Virgin Islands and the Canal Zone.

Western Region: Minnesota, Missouri, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii; and any U.S. territory or possession not included in the Central Region.

#### 4. Elections to the Board

The manner of election of directors to serve on the Executive Committee has already been discussed. The Board itself, however (except as indicated below), is elected by the Members of NFA, at an Annual Election to be held in January of each year.

The contract markets need no election since all have seats on the Board and, in the case of the two-seat contract markets, that selection is based entirely on published volume statistics.

In the case of other directors, candidates can emerge from three sources. First, NFA's Nominating Committee will present a slate of candidates. Second, 50 or more Members in a particular category can nominate a candidate by filing a petition. Third, any association recognized by NFA as fairly representing a particular category of Members may nominate candidates in that category.

Nominees receiving a plurality of votes in their respective category, cast by Members in that category, would be elected unless the winning candidates are subject to the regional or one-representative-only restrictions discussed above. In that event, the election would go to the eligible candidate having the most votes.

The "public" directors will be elected by the full Board from a list of candidates compiled from Members and from the Commission.

Each elected and "public" director will serve for a three-year term. The initial Board will be staggered, however, to assure continuity. In the contract-market category, each representative will serve at the pleasure of the particular exchange. If an exchange with two seats fails to remain in the over-20% category, one of the directors must vacate office at the beginning of the year following the disqualification. Likewise, if another exchange rises into the over-20% bracket, it will assume a second seat at the beginning of the next year.

If a vacancy occurs on the Board, the remaining directors in that category will elect a new director to serve the rest of the term. If a vacancy occurs in a contract market seat, of course, that

contract market will select the replacement.

#### 5. Compulsory Membership

In 1978, Congress amended Section 17 of the Commodity Exchange Act to permit a registered futures association to have compulsory membership. NFA's Articles of Incorporation seek to achieve this result with respect to certain commodity professionals. Basically, the Articles prohibit a Member of NFA from accepting futures orders from another person (except a direct customer) unless that other person belongs either to NFA or another registered futures association. The requirement focuses on the flow of customer orders and, in effect, interrupts that flow if an ineligible person becomes involved.<sup>1</sup>

One exception to the requirement is the handling of orders by floor brokers. Floor brokers are regulated by the contract market where they conduct business, and not by NFA. Thus, floor brokers are not compelled to join NFA in order to accept futures orders for execution. However, from the point of order origination (*i.e.*, the first FCM, Agent thereof, trading advisor with account discretion, or pool operator) until the order reaches a floor broker for execution, only eligible persons may participate in the order flow.

#### 6. Net Capital Requirements

One of the principal functions of NFA will be to establish, audit and enforce minimum financial requirements for its FCM Members. No such requirements will be established for other Members of NFA, such as FCM Agents, commodity pool operators or commodity trading advisors.

These net capital requirements are patterned after existing financial standards of contract markets that have been approved by the Commission. Certain financially-related matters, such as the setting of levels of margin, remain exclusively with the contract markets.

The contemplation of NFA is that, upon the establishment of net capital requirements for FCMs, the contract markets may be relieved of that burden, at least with regard to non-clearing FCMs. In the early days of NFA's operations, however, staff and resource limitations may necessitate temporary contractual arrangements with outside auditing personnel, which might be the existing auditing staffs of contract markets. Eventually, NFA will have its own personnel for this purpose, drawing heavily on the talented auditors

<sup>1</sup> The presumption is that all contract markets will require their FCM members to join NFA.

presently employed by the contract markets.

#### 7. Ethical Standards

The ethical standards adopted by NFA will include those specifically required by Section 17 of the Commodity Exchange Act, such as prohibitions against fraud, manipulative and deceptive acts and practices, and unjust or inequitable dealings. In addition, bucketing will be prohibited, and there will be required procedures for the supervision of employees and the handling of discretionary accounts that are similar to current Commission requirements. Members and Associates (see below) will also be under a duty to give accurate and complete information to NFA.

#### 8. Members and Associates

Membership in NFA is available to any Commission registrant, any contract market, any agent of an FCM, and any other person engaged in the commodity futures business, unless the registrant, contract market, etc., is subject to one of the specified membership disqualifications (*e.g.*, a Commission order revoking registration). In addition, pursuant to the Act, any person designated by Commission rule is eligible for NFA membership.

Each employee of an FCM Member of NFA who is an "associated person" under the Act must register with NFA as an "Associate". These employees are subject to the same admissions requirements as Members, as explained below.

#### 9. Membership Screening

The first and perhaps most important step in the regulation of NFA Members and Associates will be the screening of applicants for membership and registration as an Associate. The initial screening process will be handled by NFA staff. Final decisions on admittance will be made by a committee of NFA directors (the Membership Committee) if there is reason to believe that an applicant may not be qualified for membership or registration with NFA as an Associate, or if the applicant appeals a preliminary determination to that effect.

Section 17 of the Commodity Exchange Act sets forth certain bases for disqualification. In addition, each applicant will be judged for fitness under the same standards that the Commission screens registration applicants. Under Section 17, the Commission may order the admittance to membership of an applicant as well.

### 10. Disciplinary Proceedings

NFA will have an Office of Compliance responsible for financial audit and ethical surveillance, under the supervision of a Director. In the event that an infraction is discovered by that Office through investigation, a report will be prepared and submitted to a 9-member Business Conduct Committee comprised of individuals connected with NFA Members in the NFA region where the accused Member or Associate resides. The Committee will then act on the report by either closing the matter or serving a formal complaint on the accused Member or Associate. In the latter event, the accused must answer and is entitled to a hearing before the Committee. If the matter is not settled, and a decision is rendered against the accused, that Member or Associate may appeal the decision to a committee of directors created by the Board for that purpose (the Appeals Committee). The decision on appeal is final.

The compliance staff may not include any Member or Associate (or their employees), and may not sit on any disciplinary panel. And, if an NFA Member participated in the proceeding at one level (other than in a review of a proposed settlement), he or she may not participate in a later state.

The disciplinary procedures of DNFA parallel Part 8 of the Commission's Regulations.

NFA will have authority to discipline any Associate and any of its Members (other than floor brokers, all of whom are subject to exchange regulation) that are required to be registered with the Commission.

The penalties that may be assessed against a Member or Associate found to have violated NFA rules include expulsion, suspension for a fixed period, a prohibition upon being associated with a Member, censure, reprimand, and a fine not to exceed \$100,000 for all violations. In addition, special penalties or remedies may be fashioned to suit the nature of the violation (e.g., a period of probation or special business restrictions).

When emergencies occur (whether or not of a disciplinary nature)—i.e., there is imminent danger to the markets, customers or other Members—a summary action may be taken by the President (if concurred in by the Executive Committee or Board), either with or without hearing. If no hearing is held before the action is taken, the Member must be afforded a hearing before the appropriate Business Conduct Committee as promptly as possible.

### 11. Arbitration Proceedings

Another principal function of NFA will be to provide a centralized, uniform arbitration system. Section 5a(11) of the Act contemplates that this system will replace the present burden on contract markets to maintain their own arbitration programs—that is, that the contract markets will "delegate" their authority to NFA to hear these disputes.

The NFA arbitration system will hear any commodity futures dispute upon application of a customer against an FCM, CTA, or CPO Member, or its employees or Associates. Claims over \$15,000 need not be heard. Counterclaims against the customer involving the same events will be heard, up to the same dollar limit. The possibility exists, in NFA's discretion, to hear larger or different disputes (e.g., disputes between Members).

### 12. Funding

As noted above, the full Board of NFA will have the on-going responsibility of determining NFA's funding needs, subject to NFA's Articles of Incorporation. The Bylaws of NFA set forth the following funding plan, any component of which may be phased in at the discretion of the Board.

**Contract Markets.** The annual assessment for each contract market will be calculated on the basis of \$0.02 per round-turn futures contract traded there, with a minimum annual assessment of \$25,000 and a maximum annual assessment of \$300,000. Where "mini-contracts" are involved, an adjustment will be made to equalize them with the larger-size contracts in the same commodity (e.g., five 1,000 ounce or bushel contracts will be treated as one 5,000 unit contract, if the latter is traded). Each exchange will be free to raise these funds in any manner that it chooses.

**Futures Commission Merchants.** The annual assessment for FCMs will consist of three elements:

- (1) Annual dues of \$1,000;
- (2) An assessment per round-turn futures contract for a customer who is not a member (or whose position is not carried in a proprietary account of a member) of the contract market where the trade is made, to be invoiced to the customer (collection of this assessment shall be suspended by the Board in any fiscal when the Board determines that its budget goals have been met); and
- (3) A sum equal to 10% of the amount invoiced to customers under paragraph (2), above.

**Other Members.** All other Members of the NFA will be assessed annual dues, as follows:

Commodity Pool Operators: \$1,000 per year.<sup>2</sup>  
 Commodity Trading Advisors: \$1,000 per year.<sup>2</sup>  
 Commercial Banks: \$1,000 per year.<sup>3</sup>  
 Commercial Users: \$1,000 per year.<sup>3</sup>  
 Agents of FCMs: \$500 per year.  
 Others: \$1,000 per year.<sup>3</sup>

### 13. Phase In

According to the 1979 Annual Report of the Commission, the assured (i.e., required) membership of the NFA will include the following:

332 FCMs;  
 630 Agents of FCMs;  
 600 commodity trading advisors (assuming that 60% of the total CTAs have trading discretion or otherwise initiate customer orders); and  
 618 commodity pool operators.

To assume full responsibility for the regulation of all such Members at the time when NFA first becomes operational would not be feasible without engaging in a hasty screening process. Accordingly, the Articles of NFA authorize the Board to "phase in" the regulation of each category or sub-category of its Members, and to phase in particular NFA programs (including the collection of dues and assessments). This procedure affords more time for the important screening of applicants for membership (as well as Associate registration) and allows NFA's regulatory program to be expanded in a gradual, efficient manner.

### 14. Organizational Details

The Articles of NFA recite that its headquarters will be in Chicago, with a second facility in New York City.

There will be a President, acting as NFA's chief executive officer; a Secretary with the duties normally pertaining to that office; and a Treasurer. The NFA Board may also appoint other officers as deemed appropriate. As noted earlier, there will also be a Director of Compliance, and such other staff-level department heads as are needed.

The NFA Board will choose from among its number a Chairman and a Vice-Chairman, at the Board's regular annual meeting. The Chairman or, in the Chairman's absence, the Vice-Chairman, will preside at meetings of the NFA Board.

<sup>2</sup>These dues will be \$500 during the Member's first year of registration with the Commission. If a Member is both a CTA and a CPO, and conducts a business in both categories, it will be liable for dues for each category.

<sup>3</sup>The Board may, however, waive or reduce this amount.

An annual meeting of NFA Members will be held each February. Special meetings of the Members may be held upon call by the Chairman, the President, or 10 percent of the Members.

The Board may by resolution decide to hold regular Board meetings at manageable intervals. As noted earlier, the size of the Board is such that an Executive Committee of directors will oversee daily management. It may thus be possible to hold fewer meetings of the Board (e.g., quarterly) than might otherwise prove necessary.

All officers serve at the pleasure of the Board.

The same individual may not serve concurrently in two of the following positions: Chairman, Vice Chairman, President and Secretary.

Ordinarily, a quorum of the Board is a majority of its members but, in case of an emergency, a quorum is 14 directors so long as at least one contract market director, one FCM director and one Industry Participant director are present.

The complete text of the NFA application for registration as a registered futures association is available for public inspection and copying from the Commission upon request.<sup>4</sup> Requests to inspect or copy should be made to the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.2.

Interested persons are invited to submit written data, views or comments on the NFA application for registration as a registered futures association. Section 17(b) of the Act mandates that "an applicant association shall not be registered as a futures association unless the Commission finds, under standards established by the Commission, that—(1) such association is in the public interest and that it will be able to comply with the provisions of [Section 17] and the rules and regulations thereunder and to carry out the purposes of [Section 17] . . . ." Accordingly, commentators are invited to address whether the Articles of Incorporation, Bylaws, rules and other provisions contained within the NFA's application are consistent with the requirements of Section 17 of the Act, Part 170 of the Commission's regulations thereunder, and the purposes for which Section 17 was enacted.

In proposing Part 170 of its regulations, the Commission solicited

public comment on a number of policy questions which relate to the purposes underlying the initial enactment of Section 17 of the Act,<sup>5</sup> as well as the addition in 1978 of explicit authority under Section 17 for the Commission to approve rules of futures associations that, "directly or indirectly, require persons eligible for membership in such associations to become members of at least one such association, upon a determination by the Commission that such rules are necessary or appropriate to achieve the purposes and objectives of this Act."<sup>6</sup> Accordingly, commentators may wish to refer to the policy questions presented by the Commission in its earlier notice as a basis for analyzing issues which may be raised by the NFA application. The Commission emphasizes, however, that it will welcome comments on all aspects of the NFA application and on any issues which commentators believe may be raised by the submission. All comments should be addressed to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 and should be received within 60 days of the date of this publication.

The Commission recognizes that the submission of this application by the NFA represents a substantial undertaking and that it may present the Commission with an opportunity to take a significant step towards improving the scope and quality of regulation in the commodity futures industry. In this light, the Commission has determined that it would be appropriate, in order to allow the broadest public participation in the Commission's deliberations on this application, to hold a public hearing on the NFA application. The Commission believes that a public hearing may provide a forum for the discussion of issues more appropriate for oral presentation than through the submission of written comments. The Commission also notes that, in authorizing the Commission to permit a registered futures association to compel persons eligible for membership in such associations to become members of at least one such association, Congress recognized that compulsory membership raised significant issues which the Commission should address only after consideration of the views of all

interested persons.<sup>7</sup> Accordingly, the Commission has scheduled a public hearing on the NFA application to commence at 9:30 a.m. on June 4, 1981.

Any person interested in appearing at this hearing should advise the Commission's Secretary in writing of their desire to appear on or before May 22, 1981 and should submit twelve copies of any prepared statement or supporting material to the Commission's Secretary by May 29, 1981. The Commission notes that this hearing schedule will permit interested persons to respond to issues raised at the public hearing within the time frame of the overall comment period on the NFA application established herein.

Issued in Washington, D.C., on April 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12186 Filed 4-22-81; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Ongoing Mission at Fort Riley, KS; Intent To Prepare Environmental Impact Statement

Notice is hereby given of the intent to prepare an Environmental Impact Statement (EIS) concerning the ongoing mission of Fort Riley, KS. The current and planned mission of Fort Riley is to house and support two brigades of the 1st Infantry Division (Mechanized) and associated active and Reserve Components.

The Department of the Army will consider in detail the environmental impacts of implementing several alternatives; expanding operations, reducing operations, and the status quo. The environmental and socio-economic impacts of the proposed action and alternatives will be described. The Draft EIS will be available to the public in October 1981. Questions about the proposed action and the scoping process for the EIS should be addressed to James W. Day, Environmental Coordinator, ATTN: AFZN-FE-E, Fort

<sup>4</sup> For example, the Senate Committee on Agriculture, Nutrition and Forestry in a report on S. 2391, from which an earlier version of Section 17(m) originated, stated its belief that "the Commission should approve any such rules [requiring compulsory membership] only after public hearings to determine whether such rules are necessary or appropriate to achieve the purposes and objectives of the Act." S. Rep. 95-850, 95th Cong., 2d Sess., 31 (1978).

<sup>5</sup> See 43 FR 46039 at 46044 (October 5, 1978). This notice also contained a synopsis of the legislative history underlying the enactment of Section 17. *Id.* at 46039-40; 46043-44.

<sup>6</sup> Section 17(m) of the Act; as added by the Futures Trading Act of 1978, Sec. 22(4), 92 Stat. 865, 876 (1978).

<sup>7</sup> The Commission understands that prospective members of the NFA also may obtain a copy of the NFA application from John Stassen, Secretary, National Futures Association, 200 East Randolph Drive, Chicago, Illinois 60601.

Riley, Kansas, 66442. Phone: 913-239-2630.

Lewis D. Walker,

*Deputy for Environment, Safety and Occupational Health, OASA (IL&FM)*

[FR Doc. 81-12182 Filed 4-22-81; 8:45 am]

BILLING CODE 3710-05-M

### Corps of Engineers, Department of the Army

#### Galveston County and Surfside Beach, Texas Beach Erosion Study; Draft Environmental Impact Statement

**AGENCY:** Galveston District, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:** 1. The DEIS will consider the possible alternatives for four potential project sites as determined by the shore erosion survey scope investigations for Galveston County and Surfside Beach, Texas. The four potential project site locations include two sites along the Gulf of Mexico and two sites in Galveston Bay. The sites on the Gulf of Mexico are: a 2-mile length of beach northeast of Freeport Channel at Surfside, Texas, and approximately an 8-mile reach extending from 10th Street to about 1-mile west of the end of the seawall on Galveston Island. The two project sites in Galveston Bay are the San Leon Cemetery and the county park adjacent to the outfall channel of the Houston Lighting and Power Company plant located north of San Leon.

2. Alternative methods of shore protection to be considered in the DEIS will be discussed for each of the potential project sites. The alternative measures to be considered for Galveston Beach include beach nourishment with or without groins, revetments, offshore breakwaters, and "no action." The alternatives to be considered for preventing erosion along the bay shorelines are bulkheads, revetments, vegetation, and "no action." Alternatives to be considered for Surfside Beach include relocation of dwellings, beach nourishment with or without groins and "no action."

3. a. Coordination of the project has included public meetings and workshops, consultation with local governing entities, and a planning aid document from the U.S. Fish and Wildlife Service. Four public meetings have been held to obtain information on erosional problems in Galveston County and Surfside Beach, and to identify concerns of interested individuals and groups. Proposed plans will be developed in accordance with Corps of Engineers regulations considering the

views expressed by the public and agencies of the local, State, and Federal governments. Details of the proposed plan will be presented at another public meeting after dissemination of the draft report and DEIS to the public.

b. Environmental considerations to be analyzed as a result of past coordination and participation include: (1) ecological importance of borrow areas, (2) possible impacts of using borrow material for beach nourishment, and (3) impacts of implementing the recommended alternatives.

c. Further coordination and consultation will be continued with appropriate local, State and Federal agencies and interested organizations and individuals.

d. Environmental consultation and review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and all other applicable laws, regulations and guidelines.

4. A scoping meeting is tentatively scheduled for 27 May 1981 in the Galveston District, Corps of Engineers. Those on the study mailing list will be notified of this meeting.

5. The DEIS is presently scheduled to be available to the public in December 1981.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by Mr. C. R. Harbaugh, Chief, Environmental Resources Branch, Galveston District, Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553 (713) 763-1211, extension 492.

Dated: April 16, 1981.

James M. Sigler,

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 81-12287 Filed 4-22-81; 8:45 am]

BILLING CODE 3710-GK-M

#### Channel to Victoria Waterway, Tex., Civil Works Navigation Improvement Project; Draft Environmental Impact Statement

**AGENCY:** Galveston District, U.S. Army Corps of Engineers, DOD.

**ACTION:** To prepare a Draft Environmental Impact Statement.

**SUMMARY:** 1. The proposed action to be addressed in the DEIS is improvements to the Channel to Victoria Waterway, Texas, Federal Navigation Project along the central Texas coast. The proposed project would provide more efficient waterborne commerce in the general area including the cities of Victoria and Seadrift.

2. Plans to be considered in the DEIS includes both non-structural and structural alternatives such as deepening and widening the waterway. Widening by 25 feet and deepening by 3 feet will be intensely investigated.

3.a. Coordination of the project has included a public meeting, individual consultation with local governing entities, and planning aid letter from the U.S. Fish and Wildlife Service. A public meeting was held in Victoria, Texas on 3 March 1981 to obtain public views and preferences on alternative plans. Proposed plans will be developed in accordance with Corps of Engineers regulations, considering the views expressed by the public and agencies of the local, State, and Federal governments. The proposed plan will be contained in a Feasibility Report, which will be reviewed through Corps of Engineers channels to Congress for consideration.

b. Primary environmental concerns to be analyzed as a result of past coordination and participation include the development of an acceptable disposal plan for the open bay reach of the waterway, turbidity and sedimentation in the vicinity of oyster reefs, loss of wetlands, and effects on endangered species and designated critical habitat.

c. Coordination and consultation will continue with appropriate local, State, and Federal agencies, and the interested public.

d. Other environmental consultation and review will be conducted in accordance with various laws and regulations.

4. A public meeting specifically to determine the scope of the DEIS will be held on 5 May 1981 in Victoria, Texas.

5. The DEIS is scheduled to be available to the public in April 1982.

**ADDRESS:** Questions about the proposed action and DEIS can be answered by Mr. C. R. Harbaugh, Chief, Environmental Resources Branch, Galveston District, Corps of Engineers, P.O. Box 1229, Galveston, Texas 77553, (713) 763-1211, extension 492.

Dated: April 16, 1981.

James M. Sigler,

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 81-12234 Filed 4-22-81; 8:45 am]

BILLING CODE 3710-GK-M

#### Phosphate Mining in Hamilton County, Florida; Draft Environment Impact Statement

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:** The Jacksonville District, U.S. Army Corps of Engineers intends to prepare an Environmental Impact Statement on the feasibility of granting Occidental Phosphate Mining Company (Oxy) a dredge and fill permit under Section 404 of the Clean Water Act of 1977. Oxy has holdings of 96,568 acres in Hamilton County, Florida. Of the 96,568 acres, 16,285 acres are in active use or have been previously altered. The unaltered area consists of 56,334 acres of uplands and 23,749 acres of wetlands. The Corps of Engineers has asserted discretionary authority under Section 323.4-4 of the Corps of Engineers Regulations.

The following alternatives are being considered:

- No action (denial of permit)
- Granting of permit
- Granting of permit with conditions
- Phosphate mining at alternate sites
- Phosphate mining using alternate methods

Scoping will be accomplished by issuance of public notice, the sending of letters of intent to prepare the document to those individuals and organizations that have expressed interest and the solicitation of comments from affected Federal, State, and local agencies. A scoping meeting will be held in late May, 1981.

Consultation will be accomplished with the U.S. Fish and Wildlife Service (FWS) in accordance with Section 7 of the endangered Species Act as well as with the State Historic Preservation Officer in accordance with the Archeological and Historic Preservation Act. If discharge of material into waters of the United States is involved, the discharge will be specified by application of the criteria of Section 404 (b), Federal Water Pollution Control Act.

Issues to be analyzed in the DEIS will be determined upon completion of scoping.

The DEIS will be made available to the public in October 1981 unless circumstances warrant additional time for preparation.

Any questions concerning the DEIS can be answered by: Dan Malanchuk, Environmental Studies Section, U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida 32232. Telephone: (904) 791-2286.

Dated: April 15, 1980.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-32235 Filed 4-23-81; 8:49 am]

BILLING CODE 3710-AJ-M

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education

#### Special Services for Disadvantaged Students Program (Special Services), Talent Search Program, Upward Bound Program

#### Application Notice for New Applications for Fiscal Year 1981

Applications are invited for new projects under the following programs: Special Services for Disadvantaged Students, Talent Search, and Upward Bound. Applications are not invited for the Educational Opportunity Centers program for fiscal year 1981.

Special Services grants may be awarded for project periods of up to three years; Upward Bound grants may be awarded for project periods of up to two years; and Talent Search grants will be awarded for one year.

For the first year of each grant, authority for each program is contained in section 417B of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d-1)

The Secretary awards grants under each program to institutions of higher education, combinations of institutions of higher education, and public and private agencies and organizations. In exceptional cases under the Upward Bound and Talent Search programs, the Secretary awards grants to secondary schools and secondary vocational schools.

The purpose of the awards is to allow applicants to carry out projects designed to identify students from low-income families (Talent Search), to prepare them for a program of postsecondary education (Upward Bound), and to provide special services for those students who are pursuing programs of postsecondary education (Special Services).

*Closing date for transmittal of applications:* Applications for new awards must be mailed or hand delivered by June 11, 1981.

*Applications delivered by mail:* An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.042 (Special Services for Disadvantaged Students), 84.044 (Talent

Search), or 84.047 (Upward Bound), Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

- A legibly dated U.S. Postal Service postmark.
- A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- A dated shipping label, invoice, or receipt from a commercial carrier.
- Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. 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 its local post office.

An applicant is encouraged to use registered or at least first class mail.

*Applications delivered by hand:* An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

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.

*Program information:* Applicants applying for a multi-year grant under the Special Services or Upward Bound programs should be aware that starting with the second year of their grant, they will be expected to administer their projects in accordance with the changes made in those programs by the Education Amendments of 1980. That means that for the Upward Bound program, at least, two-thirds (2/3) of the participants must be low-income individuals who are first-generation college students. The remaining participants must qualify as either low-income individuals or first-generation college students. For the Special Services program at least two-thirds (2/3) of the participants must be either physically-handicapped or low-income individuals who are first-generation college students. The remaining participants must qualify as low-income individuals, first-generation college students, or physically-handicapped persons. However, for fiscal year 1981 (program year 1981-82), the current definition for low-income individual

must be used. The current definition reads:

A "low-income individual" is an individual who comes from a family whose family's taxable income does not exceed the poverty level set forth in the "Current Populations Reports," Series P-60, Bureau of the Census, U.S. Department of Commerce.

The less restrictive definition for low-income individual which appears in the Education Amendments of 1980 and the proposed regulations should not be used until a project begins operating with fiscal year 1982 funds (program year 1982-83). The new definition reads:

A "low-income individual" is an individual who comes from a family whose family's taxable income did not exceed 150% of the poverty level in the calendar year preceding the year in which the individual participates in the project.

In addition, a project may not in program year 1981-82 select a participant only on the basis of his or her being a first-generation college student. The eligibility criterion is not applicable until program year 1982-83 and even then only up to one-third may be selected solely on the basis of this criterion. The definition of "first-generation college student" reads:

A "first-generation college student" is a student neither of whose parents received a baccalaureate degree.

In summary, projects in the first year of their grant *must select* participants who satisfy the current regulations governing participant eligibility and *may require* that the individual meet the additional restrictions which become effective for program year 1982-83.

The Department of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting two years of funding (Upward Bound) or three years of funding (Special Services) must submit a detailed work program and budget for the first year and an outline of the work program and a budget summary for each additional year requested.

The Secretary approves requests for the additional year(s) if:

1. The need continues to exist for the services provided by the project;
2. Satisfactory progress has been made in implementing the approved work plan and in achieving the project's goals and objectives;
3. The project continues to offer promise of success;
4. All required reports have been received and accepted by the Secretary; and
5. Funds are available to continue the project.

**Available funds:** A total of \$159,500,000 is anticipated to be available for the Special Programs for the Disadvantaged for fiscal year 1981, an increase of \$12 million over the 1980 level. This is the amount available under the Second Continuing Resolution, P.L. 96-536, in effect through June 5, 1981. The 1981 budget submitted in January 1980, originally requested that the entire increase over the 1980 appropriation level be for new Special Services projects. Since that time, however, it has become increasingly evident that a different allocation of the increase would better serve the purposes of these programs. As a result the Department of Education has requested a reprogramming of funds under the Special Programs for the Disadvantaged to allow increased funding for continuation projects and to allow for new awards under the Upward Bound program, the Talent Search program, and the Special Services program because of the high demand for new awards under all of these programs in 1980. Based on the proposed reprogramming, it is estimated that \$151,700,000 will be committed to noncompeting continuation projects and \$2,000,000 will be committed for Training Contracts. The remaining \$5,800,000 will support new grants for Special Services, Talent Search, and Upward Bound. The funding allocation for new awards is estimated to be \$2,300,000 for Special Services to fund approximately 23 grants averaging \$100,000; \$1,500,000 for Talent Search to fund approximately 15 grants averaging \$100,000; and \$2,000,000 for Upward Bound to fund approximately 13 grants averaging \$154,000. No funds will be available to support new grants under the Educational Opportunity Centers program.

The processing of applications for these new projects will be subject to the availability of funds. These estimates do not bind the U.S. Department of Education.

If the Congress does not accept the proposed reprogramming, a notice will be published in the *Federal Register* indicating the revised distribution of available funds.

**Application forms:** Application forms and program information packages are expected to be ready for mailing by April 27, 1981.

Application packages will not automatically be mailed to all institutions of higher education and currently funded projects as has been done in previous years. Applicants therefore must request application packages and these packages may be obtained by contacting the Division of

Student Services, Information Systems and Program Support Branch, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7070.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. The Secretary suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

**Applicable regulations:** Regulations applicable to these programs are:

- (a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77), and
- (b) Regulations governing the Special Services Program (34 CFR Part 646, previously 45 CFR Part 157), the Talent Search Program (34 CFR Part 643, previously 45 CFR Part 159), and the Upward Bound Program (34 CFR Part 645, previously 45 CFR Part 155).

**Further information:** For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, Telephone: (202) 245-2511.

(20 U.S.C. 1070d-1070d-1)

Dated: April 15, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.042-Special Services for Disadvantaged Students Program; 84.044-Talent Search Program; 84.047-Upward Bound Program; 84.066-Educational Opportunity Centers Program)

[FR Doc. 81-12185 Filed 4-22-81, 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### Independent Oil Producers Agency; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of Action taken and opportunity for comment on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces the execution of a Consent Order and provides an opportunity for public

comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

**DATE:** Comments by: May 26, 1981.

**EFFECTIVE DATE:** December 11, 1980.

**ADDRESS:** Send comments to: Victor J. Raymos, Audit Director, Tulsa Audit Group, Department of Energy, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127.

**FOR FURTHER INFORMATION CONTACT:** Victor J. Raymos, Audit Director, Tulsa Audit Group, Department of Energy, Economic Regulatory Administration, 440 South Houston, Room 306, Tulsa, Oklahoma 74127, (phone (918) 581-7991).

**SUPPLEMENTARY INFORMATION:** On December 11, 1980, the Office of Enforcement of the ERA executed a Consent Order with Independent Oil Producers Agency (IOPA) of Long Beach, California. Under 10 CFR 205.199(j)(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate excluding penalties and interest, will be effective upon its execution.

#### I. The Consent Order

Independent Oil Producers Agency (IOPA), with its home office located in Long Beach, California, was a firm engaged in the resale of crude oil within the meaning of 6 CFR 150.352 and 10 CFR 212.31 and was subject to the mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the ERA as a result of its audit of IOPA, the Office of Enforcement and IOPA entered into a Consent Order, the significant terms of which are as follows:

1. The DOE claims that IOPA sold certain volumes of crude oil during the period November 1, 1973 through October 31, 1980 (the "settlement period"), at prices in excess of the prices permitted by 10 CFR 212.93(a) and 212.183(a).

2. In settlement of alleged violations of DOE regulations and applicable law during the settlement period, IOPA agrees to refund, within ten days after the effective date of the Consent Order, the sum of two hundred ninety thousand one hundred eighty-five dollars (\$290,185). This amount includes interest calculated from the date of each violation to November 1, 1980. The DOE waives its right to seek civil penalties relative to the matters addressed by the Consent Order.

3. IOPA agrees to determine prices for crude oil consistent with the manner in which the DOE determined the amount of the alleged overcharges which are the subject of the Consent Order.

4. The provisions of 10 CFR 205.199] (including the publication of this Notice) are applicable to the Consent Order.

#### II. Disposition of Refund

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons," as defined at 10 CFR 205.2, who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been either passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons. In such a case, disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(i)(a).

#### III. Submission of Written Comments and Notices of Claim

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Victor J. Raymos, Audit Director, Tulsa Audit Group, Department of Energy, Economic Regulatory Administration, 440 South

Houston, Room 306, Tulsa, Oklahoma 74127.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on IOPA Consent Order." We will consider all comments we receive by 4:30 p.m., local time on May 26, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, DC, on the 17th day of April 1981.

**Robert D. Gerring,**

*Director, Program Operations Division,  
Economic Regulatory Administration.*

[FR Doc. 81-12188 Filed 4-22-81; 8:45 am]

**BILLING CODE 6450-01-M**

#### Fasgo, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Fasgo, Inc., 11 Grandview Avenue, Brookhaven, Pennsylvania 19015. This Proposed Remedial Order charges Fasgo with pricing violations in the amount of \$263,501.30 connected with the retail sale of motor gasoline during the period June 1, 1977 through July 31, 1979.

A copy of the Proposed Remedial Order, with confidential information, deleted, may be obtained from Edward F. Momorella, District Manager of Enforcement, (215) 597-2633. On or before May 8, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 "M" Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania on the 23rd day of March, 1981.

**Edward F. Momorella,**

*District Manager, Northeast District  
Enforcement.*

[FR Doc. 81-12286 Filed 4-22-81; 8:45 am]

**BILLING CODE 6450-01-M**

#### Notice and Issuance of an Order Granting Temporary Public Interest Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it 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) and the implementing regulations thereunder (10 CFR 501.68 and 10 CFR Part 508), from

the natural gas use prohibitions of section 301(a) (2) and (3) of the Act to the following powerplants in order to displace middle distillate fuel oil:

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 petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

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 these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4268.

#### Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas use 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). This Decision and Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

The Order is set forth following this Notice and has been sent by certified mail to the petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 212230, hereafter referred to as the Special Rule). A Notice of the petitions and proposed order granting these temporary exemptions were published in the January 30, 1981, Federal Register (46 FR 9984) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The powerplants listed above 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 section 301(a)(2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

#### 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 petitioners have demonstrated that these powerplants, for which they are 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 FUA. The petitioners have 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 petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility

Docket No.	Owner	Generating station	Powerplant identification No.	Maximum duration date
51694-1402-01-41	Louisiana Power & Light Co.	Little Gypsy	1	June 30, 1985.
51694-1402-02-41	do	do	2	Do.
51694-1402-03-41	do	do	3	Do.
51694-1403-04-41	do	Ninemile Point	4	Do.
51694-1403-05-41	do	do	5	Do.
54153-9177-20-41	Pennsylvania Electric Co.	Warren	20	Do.

#### Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for the period of five years, including the period during which the petitioners were allowed to burn natural gas while their petitions were pending, or June 30, 1985, whichever occurs first. The maximum termination

dates of these temporary public interest exemptions are listed in this Decision and Order. 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 Decision and Order*

This Decision and Order shall become effective on June 22, 1981. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

*Terms and Conditions*

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each 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 subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of middle distillate fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five-year period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the system-wide conservation plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report on progress achieved in implementing the pertinent system-wide fuel conservation plan. Such annual progress report shall be submitted throughout the period covered by this Decision and Order.

ERA's grant of these temporary public interest exemptions does not relieve any 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 15, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conservation, Economic Regulatory Administration.

[FR Doc. 81-12289 Filed 4-22-81; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Project No. 4375-000]

#### City of Redding, California; Application for Preliminary Permit

April 17, 1981.

Take notice that City of Redding, California (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4375 to be known as Stampede Hydroelectric Project located at the United States Department of the Interior, Water and Power Resources Service's (WPRS) Stampede Dam on Little Truckee River in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City Manager, City of Redding, 760 Parkview Avenue, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would consist of a powerhouse, at the existing outlet of the WPRS's Stampede Reservoir, containing generating units with a total rated capacity of 3,000 kW and appurtenant facilities. The Applicant estimates that the average annual energy output would be 16 million kWh.

**Purpose of Project**—Project energy would be utilized to serve Applicant's customer within the City of Redding.

**Proposed Scope and Cost of Studies Under Permit**—Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$80,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments. The requirements of 18 CFR 4.33(a) and (d) (1980).

**Competing Applications**—This application was filed as a competing application to American Hydroelectric Development Corporation's Project No. 3727 on Little Truckee River in Sierra County, California, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 21, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS",

"PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4375. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-12180 Filed 4-22-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4355-000]

**Columbia Basin Project Irrigation Districts; Application for Preliminary Permit**

April 20, 1981.

Take notice that the Columbia Basin Project Irrigation Districts (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4355 to be known as the P. E. 16.4 Wasteway Project located on the Water and Power Resources Service's existing P. E. 16.4 Wasteway in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Russell D. Smith, Secretary-Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would include two developments. The Eagle Lakes Development would consist of: (1) a 4-foot diameter, 200-foot long penstock connected to the Eagle Lake outlet control works; (2) a powerhouse

containing a generating unit with a rated capacity of 300 kW; and (3) associated electrical equipment. The Hendricks Road Development would consist of: (1) a 3,000-foot long canal diverting water from Lower Eagle Lake; (2) an intake structure; (3) a 4-foot diameter, 400-foot long penstock; (4) a powerhouse containing a generating unit with a rated capacity of 700 kW; and (5) associated electrical equipment.

The Applicant estimates that the average annual energy output would be 2,400 MWh for the Eagle Lakes Development and 4,500 MWh for the Hendricks Road Development.

**Purpose of Project**—Project energy would be sold.

**Proposed Scope and Cost of Studies Under Permit**—Applicant would conduct a detailed study to determine the technical, economic, financial, and environmental feasibility of the proposed project. Applicant estimates the costs of conducting the studies and preparing a license application to be \$146,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before June 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 31, 1981. A notice of intent must conform with the

requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 1, 1981.

**Filing and Service of Responsive Documents**—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4355. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-12190 Filed 4-22-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4099-000]

**Consolidated Hydroelectric Inc.,  
Application for Preliminary Permit**

April 20, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on February 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4099 to be known as Crescent City Fork Power Project located on Crescent City Fork-Blue Creek in Del Norte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 330-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 5,800-foot long diversion conduit or channel; (4) a 250-foot long, 66-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,960-kW; and (6) a 10-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 11.6 million kWh.

**Purpose of Project**—The energy output of the project will be sold to the Pacific Gas and Electric Company and/or other utilities.

**Proposed Scope and Cost of Studies Under Permit**—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, conduct negotiations with PG&E and/or others for the sale of power generated from this project, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit would be \$90,000 to \$140,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary

studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 19, 1981.

**Filing and Service of Responsive Documents**—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO

INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4099. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, NE, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-12191 Filed 4-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4136-000]

**Energenics Systems, Inc.; Application  
for Preliminary Permit**

April 20, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4136 to be known as McKay Dam located on McKay Creek in Umatilla County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would consist of: (1) the outlet works through the right abutment of the Water and Power Resources Service's McKay Dam; (2) a powerhouse containing generating equipment with a combined capacity of 3.8-MW; and (3) a 1-mile long transmission line. The Applicant estimates that the average annual energy output would be 7.86 GWH.

**Purpose of Project**—The power generated by the proposed project

would be sold to the Columbia Power Cool Association; Bonneville Power Administration, or nearby public institutions or industrial users.

**Proposed Scope and Cost of Studies Under Permit**—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would perform hydrologic studies; study the marketing and financial feasibilities; assess the environmental impact and safety hazards, if any; and consult with appropriate agencies. The cost of these studies is estimated by the Applicant to be \$35,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3427 and Stanfield Irrigation District and Westland Irrigation District's Project No. 3867 on February 6, 1981, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4136. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-12192 Filed 4-22-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 3669-000 and 4120-000]

**Mitchell Energy Co., Inc., and Saranac Energy Corp.; Applications for Preliminary Permit**

April 20, 1981.

Take notice that Mitchell Energy Company, Inc. (MEC) and the Saranac Energy Corporation (SEC) filed on November 4, 1980, and February 5, 1981, respectively, applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project Nos. 3669 and 4120, respectively, to be known as the Mount Morris Project located on the Genesee River near the City of Mount Morris in Livingston County, New York. Correspondence with MEC should be directed to: Mr. Mitchell L. Dong, President, 173 Commonwealth Avenue, Boston, Massachusetts 02116. Correspondence with SEC should be directed to: Mr. Charles B. Mierek, Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

**Project Description**—Each project would utilize the existing Corps of Engineers' Mount Morris Dam and Reservoir.

Project No. 3669 would consist of: (1) a new powerplant just below the dam; (2) turbine/generator units with a total rated capacity of 13 MW; (3) two 18-foot diameter penstocks; and (4) appurtenant facilities.

Project No. 4120 would consist of: (1) a new powerhouse at the right abutment; (2) three 5 by 7-foot rectangular conduits serving as penstocks; (3) three turbine/generator units with a total rated capacity of 17.5 MW; (4) a 115-kv transmission line several miles long; and (5) appurtenant facilities.

**Purpose of Projects**—Power from each of the projects is expected to be sold to Rochester Gas and Electric Corporation.

**Proposed Scope and Cost of Studies Under Permit**—Each applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. MEC estimates the cost of studies under the permit would be \$50,000; SEC estimates the cost at \$100,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

**Competing Applications.**—These applications were filed as competing applications to Continental Hydro Corporation's application for Project No. 3662 filed on November 4, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

**Comments, Protests, or Petitions To Intervene.**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

**Filing and Service of Responsive Documents.**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects No. 3669 and/or 4120. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 81-12103 Filed 4-22-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4359-000]

**Owyhee Project Irrigation Districts;  
Application for Preliminary Permit**

April 20, 1981.

Take notice that the Owyhee Project Irrigation Districts (Applicant) filed on March 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for proposed Project No. 4359 to be known as the Owyhee Tunnel No. 1 Project located adjacent to the Owyhee Reservoir in Malheur County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gene Stunz, Secretary, Owyhee Project Joint Committee, Box 1565, Nyssa, Oregon 97913. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description.**—The proposed project would consist of: (1) a penstock diverting flows from the Water and Power Resources Service's existing Owyhee Tunnel No. 1 upstream of the tunnel regulating gates; (2) an underground powerhouse with a capacity of 8 MW; (3) a tailrace tunnel discharging back into Tunnel No. 1; and (4) associated electrical equipment.

The Applicant estimates that the average annual energy output would be 25,500 MWh.

**Purpose of Project.**—Project energy would be sold.

**Proposed Scope and Cost of Studies Under Permit.**—Applicant would conduct a detailed study of the technical, economical, financial, and environmental feasibility of the proposed project. Applicant estimates that the cost of the studies and preparation of an application for license to be \$126,000.

**Purpose of Preliminary Permit.**—A preliminary permit does not authorize construction. A permit if issued, gives the Permittee during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments.**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application

for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Application.**—This application was filed as a competing application to Pacific Northwest Generating Company's Project No. 3468 filed on September 15, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

**Comments, Protests, or Petitions To Intervene.**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 14, 1981.

**Filing and Service of Responsive Documents.**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4359. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12194 Filed 4-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4253-000]

### River Street Associates; Application for Preliminary Permit

April 20, 1981.

Take notice that River Street Associates (Applicant) filed on February 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4253 to be known as the River Street Project located on Nubanusit Brook in Hillsborough County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth L. King, River Street, Peterborough, New Hampshire 03458. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed run-of-river project would consist of: (1) two small existing dams, the Elm Street and Bell Mill Dams, 3 feet high and approximately 40 feet long, and 12 feet high and 100 feet long, respectively; (2) two reservoirs, with surface areas of less than one acre each; (3) two existing penstocks, one 65 feet long and 42 inches in diameter, the other 75 feet long and 36 inches in diameter; (4) two powerhouses, one an existing mill building upstream near Elm Street containing one 15-kW turbine/generator unit; a second powerhouse would be constructed downstream of Bell Dam and would contain a turbine/generator rated between 100-150 kW; (5) an existing building housing switching gear; (6) an existing 60-foot long transmission line; and (7) appurtenant facilities.

The Applicant estimates that the total average annual energy output would be approximately 550,000 kWh.

**Purpose of Project**—Project power would be sold to the Public Service Company of New Hampshire.

**Proposed Scope and Cost of Studies Under Permit**—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based

on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost \$5,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before June 1, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 1, 1981.

**Filing and Service of Responsive Documents**—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4253. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, NE, Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12195 Filed 4-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2889-001]

### San Bernadino Valley Municipal Water District; Approval by Operation of Law

Issued: April 17, 1981.

Take notice that the Commission agreed at its meeting of April 15, 1981, to take no action on the application for an exemption from licensing for a small conduit hydroelectric facility designated as the Lytle Creek and Foothill Pipelines Project No. 2889 filed on December 15, 1980 by the San Bernadino Valley Municipal Water District.

Accordingly, the exemption is deemed granted by operation of law on April 15, 1981 under § 4.93(d) of the Commission's regulations [18 CFR 4.93(d)], subject to the standard terms and condition set

forth in § 4.94 of the Commission's regulations [18 CFR 4.94].

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-12196 Filed 4-22-81; 8:45 am]  
BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

[TS FRL 1806-7; OPTS 59046A]

### Substituted Phenol Test Marketing Exemption Application Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces the approval of test marketing exemption application TM-81-6 submitted to the Agency on February 19, 1981 and published in the *Federal Register* of March 16, 1981 (45 FR 16939). The manufacturer's identity, chemical identity, chemical identity, and use were claimed confidential business information. The new substance is generically identified as substituted phenol.

EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. The exemption is effective immediately.

**EFFECTIVE DATE:** This exemption is effective immediately.

**FOR FURTHER INFORMATION CONTACT:** George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-120, 401 M St., SW., Washington, D.C. 20460 (202-426-3936).

**SUPPLEMENTARY INFORMATION:** Under section 5 of the Toxic Substances Control Act (YSCA), anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1)

authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the *Federal Register*. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On February 19, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. The notice of receipt of application identified as TM-81-6 was published in the *Federal Register* of March 16, 1981 (46 FR 16939) and requested comment on the appropriateness of granting the exemption. The identity of the substance was generically submitted as substituted phenol.

In the application, the submitter stated its intention to test market for a six-month period less than 10 kg of the substance. The application also stated that the substance produced under the exemption application would be provided to five customers in a final product at a concentration of less than 1% which is virtually inaccessible to the users. The submitter expects that its own manufacturing process and normal customer handling of the material will minimize any opportunity for worker exposure. Some toxicological and worker exposure data were submitted in the test marketing application. These data indicated that no more than four employees will be exposed to the new chemical for periods of less than two hours when handling the laboratory-scale production. Vented hoods are used in production and all personnel involved use protective gloves, goggles, and garments. Storage of the substance is in DOT-approved drums. The Agency, therefore, has assumed for purposes of deciding whether or not to grant this exemption that potential exposure during the production and use of the substance for test marketing will be minimal, if any, but no greater than that described in the application.

Data submitted by the manufacturer with the application also indicated that the substance has a low degree of acute toxicity. The oral LD<sub>50</sub> (rats) was greater than 5 g/kg. The data also indicated that the chemical is minimally irritating to

the skin but severely irritating to the eye. Flushing the eyes with water after contact appears to be effective in reducing the degree of irritation produced. No data were available with regard to potential chronic effects such as carcinogenicity or teratogenicity. Ames tests conducted on the chemical showed no mutagenic activity. With regard to ecological effects, the Agency has no reason to anticipate hazards to invertebrates, plants, fish, mammals, birds, or microorganisms since no environmental release is likely.

Because of the low level of concern regarding the toxicity of the substance, along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Accordingly, EPA grants the manufacturer an exemption, effective immediately, from the premanufacture reporting requirements for purposes of test marketing the substituted phenol in the manner described in the exemption application and in a letter sent to the manufacturer.

This test market exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application who will test market the substance, and the quantities shipped in each shipment, and must take these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described in the test marketing exemption application.
4. The production volume of the new substance may not exceed the quantity of 10 kg described to EPA in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a six-month period commencing on the date of publication of this notice in the *Federal Register*.
6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.
7. The Agency reserves the right to rescind its decision to grant this



exemption should any new information come to its attention which casts significant doubt on the Agency's conclusions that the test marketing of substance will not present an unreasonable risk of injury to human health or the environment.

Dated: April 17, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-12218 Filed 4-22-81; 8:45 am]

BILLING CODE 6560-31-M

[ORC1-FRL 1811-4]

**Prevention of Significant Deterioration of Air Quality (PSD) Permit; Pittston Co.; Request for Extension**

**AGENCY:** U.S. Environmental Protection Agency, Region I.

**ACTION:** Notice of proposed extension.

**SUMMARY:** The Environmental Protection Agency (EPA) has received a request from the Pittston Company to extend its Prevention of Significant Deterioration of Air Quality (PSD) Permit, which expires on April 18, 1981. The Company has asked that this extension run for eighteen months from a final, non-reviewable order in the cases in the United States Court of Appeals for the First Circuit challenging the validity of that permit and its extension. [Carr v. EPA, Nos. 78-1443, 78-1484, 78-1486, 78-1487 and 80-1819] EPA's response to the Company's request is reprinted below.

In the response, EPA proposed to extend the Company's PSD permit until the sooner to occur of April 18, 1984 or eighteen months from a final, non-reviewable order in said cases before the United States Court of Appeals for the First Circuit. However, this extension will automatically terminate in the event the Company decides not to proceed with the project which is the subject of the PSD permit.

Because of potential public interest in this matter, EPA has decided in its discretion to allow any interested member of the public until May 18, 1981 to submit written comments on the merits of the Company's requested extension, as proposed to be limited by EPA. Barring unforeseen circumstances, EPA expects to respond on or about June 18, 1981 to any written comments and will render a final decision at that time. EPA has allowed an interim extension of the Company's PSD permit until EPA's final decision in order to preserve the status quo during this period. Comments should be addressed to Robert A. DiBiccaro, Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, J. F.

Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203.

Documents relevant to the Company's request are available during normal business hours at the Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203; the Public Information Reference Unit, U.S. Environmental Protection Agency, Waterside Mall Building, 401 M Street, S.W., Washington, D.C. 20460; the Eastport Public Library, Water Street, Eastport, Maine 04361; and the Department of Environmental Protection, Ray Building, Augusta, Maine 04333.

**FOR FURTHER INFORMATION CONTACT:**

Robert A. DiBiccaro, Office of Regional Counsel, U.S. Environmental Protection Agency, Region I, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5246.

Leslie A. Carothers,

Acting Regional Administrator, U.S.

Environmental Protection Agency, Region I.

April 17, 1981.

Jonathan B. Hill, Esq.

Dow, Lohnes & Albertson, 1225 Connecticut Avenue, Washington, D.C.

Dear Mr. Hill: This letter will acknowledge receipt of your letter, dated March 24, 1981, requesting a further extension of the Pittston Company's Prevention of Significant Deterioration of Air Quality (PSD) Permit for eighteen months dating from a final, non-reviewable order in the cases in the United States Court of Appeals for the First Circuit challenging the validity of that permit and its extension. EPA hereby proposes to extend the Company's PSD permit until the sooner to occur of April 18, 1984 or eighteen months from a final non-reviewable order in said cases. However, the extension will automatically be terminated in the event the Company decides not to proceed with the project.

It is EPA's view that the Agency can consider comment without harm to the interests of the Company. Because of potential interest by a wider public in this matter, I hereby allow any interested member of the public until May 18, 1981 to submit written comments on the merits of the Company's requested extension as proposed to be modified by EPA. Barring unforeseen circumstances, EPA will respond on or about June 18, 1981 to any comments that are received and render a final decision at that time.

Pursuant to my authority under 40 CFR § 52.21(r)(2) [40 CFR § 52.21(s)(2) (1978), 40 CFR § 52.21(e)(3) (1977)], I find good cause to allow an interim extension of the Company's PSD permit until EPA's final decision in order to preserve the status quo during this period. This interim extension is hereby allowed.

I will notify the public of the opportunity to comment on the proposed extension by publication of this letter in the Federal Register.

Sincerely yours,

Leslie A. Carothers,

Acting Regional Administrator

cc: A.F. Kaulakis, Vice President, The Pittston Company

Walter Barber, Acting Administrator, EPA

Edward Tuerk, Acting Assistant

Administrator, Air and Hazardous

Materials

Peter Wyckoff, Esq., Office of General

Counsel

Atty. Rosanne Mayer, The Justice

Department

Mr. Doc Hodgins, Friends of Eastport

Atty. Virginia Davis, Maine Natural

Resources Council

Alan Wilson, Esq., Conservation Law

Foundation

Wayne Henderson, Esq., New England

Legal Foundation

Howard William Carr, Tidal Power

Publications

Bruce J. Terris, Esq., Atty. Karen A.

Edgecombe, Roosevelt-Campobello,

International Park Commission

[FR Doc. 81-12298 Filed 4-22-81; 8:45 am]

BILLING CODE 6560-38-M

**FEDERAL COMMUNICATIONS COMMISSION**

**Advisory Committee on Radio Broadcasting and Its Technical and Allocations Subgroups; Meeting**

April 15, 1981.

The following open meeting will be held on Tuesday, May 12, 1981, at the time stated below, in room A-110 of the FCC Annex, 1229-20th Street, N.W., Washington, D.C.:

A. The thirteenth meeting of the Advisory Committee on Radio Broadcasting, starting at 9:30 a.m. The agenda will be:

1. Call to order by the Chairman;
2. Approval of minutes of previous meeting;
3. Recess for conduct of meetings of the Subgroups on Allocations and Technical Matters;
4. Reconvening of meeting of the Advisory Committee;
5. Receipt of reports by Allocations subgroup;
6. Receipt of reports by Technical subgroup;
7. Other business;
8. Future meeting dates;
9. Adjournment.

B. The sixth meeting of the Subgroup on Radio Spectrum Allocations, starting after item No. 3 of the Advisory Committee Agenda. The agenda for the subgroup will be:

1. Call to order;
2. Approval of minutes of previous meeting;

3. Reports on tasks performed by members of the Subgroup;

4. Assignment of further tasks to be performed and reported by designated persons;

5. Other business;

6. Next meeting date;

7. Adjournment.

C. The sixth meeting of the subgroup on Technical matters, starting upon conclusion of the sixth meeting of the Subgroup on Radio Spectrum Allocations. The agenda will be:

1. Call to order;

2. Approval of minutes of previous meeting;

3. Reports on tasks performed by members of the Subgroup;

4. Assignment of further tasks to be performed and reported to the Subgroup;

5. Other business;

6. Next meeting date;

7. Adjournment.

If it should not be possible to complete consideration of an entire agenda on the scheduled date, that meeting will be continued at an announced date and time.

All interested parties are invited to participate and may submit comments, addressed to Mr. Henry L. Baumann, Chairman, Advisory Committee on Radio Broadcasting, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission,

William J. Tricarico,

Secretary.

[FR Doc. 81-12219 Filed 4-22-81; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

[Agreement No. T-3963]

### Lease Agreement Between Seaboard Caribbean Terminal, Inc., and Puerto Rico Ports Authority; 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-3963 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This agreement, between Seaboard Caribbean Terminal, Inc., and Puerto Rico Ports Authority, covers the lease of marine facilities at Puerto Nuevo, Puerto Rico, to dock vessels and handle cargo.

This finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

This 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. Folking,

Acting Secretary.

[FR Doc. 81-12261 Filed 4-22-81; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Alcohol, Drug Abuse, and Mental Health Administration

#### National Advisory Councils; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of May 1981.

#### National Advisory Mental Health Council

May 18-20

Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open—May 18, 9:30 a.m.

Closed—May 19-20

Contact: Mrs. Ruth Gorin, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On May 18, the meeting will be open for discussion of NIMH policy issues and will include current administrative, legislative and program developments. On May 19-20, the Council will conduct a final review of applications for assistance and these sessions will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92-463 [5 U.S.C. Appendix I].

#### National Advisory Council on Drug Abuse

May 19-20; 9:00 a.m.

Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open—May 19, 9:00 a.m. to 5:00 p.m.; May 20, 1:00 p.m. to 5:00 p.m.

Closed—May 20, 9:00 a.m. to 12:00 noon

Contact: Pamela J. Thurber, Room 10-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6480

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda: On May 19 from 9:00 a.m. to 5:00 p.m., and May 20 from 1:00 p.m. to 5:00 p.m. the sessions will be open to the public for discussion of program developments and policy issues. On May 20 from 9:00 a.m. to 12:00 noon the session will be closed to the public for the final review of grant applications for Federal assistance in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S.C. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### National Advisory Council on Alcohol and Alcoholism

May 27-28; 9:30 a.m.

Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205

Open—May 27

Closed—May 28

Contact: Mr. James Vaughan, Room 16C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3887

Purpose: The Council advises the Secretary of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. The Council reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and make recommendations to the Secretary with respect to approval and amount of award.

Agenda: On May 27 the Council will discuss current budget, legislative and program activities. On May 28 the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S.C. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of

Council members may be obtained as follows. NIMH: Mrs. Ruth Gorin, Committee Management Office, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (443-4333). NIDA: Mrs. Lucy Stevens, Committee Management Officer, Room 10-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2620. NIAAA: Mrs. Helen Garrett, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2861.

Dated: April 13, 1981.

Elizabeth A. Connolly,  
Committee Management Officer, Alcohol,  
Drug Abuse, and Mental Health  
Administration.

[FR Doc. 81-12206 Filed 4-22-81; 8:45 am]

BILLING CODE 4110-69-M

### Committee Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of May 1981.

#### Rape Prevention and Control Advisory Committee

##### Open Meetings

May 4: 9:00 a.m. (Conference Room C)

May 5: 9:00 a.m. (Conference Room F)

Parklawn Building, 5600 Fishers Lane,

Rockville, Maryland 20857

Contact: Mary Lystad, Ph.D., Room 15-99,  
Parklawn Building, 5600 Fishers Lane,  
Rockville, Maryland 20857 (301) 443-1910

Purpose: The Rape Prevention and Control Advisory Committee advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States, and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. The Committee will report on such areas as advocacy, proposal stimulation, technical assistance, initial review groups, education/training/policy, and mass media. What is meant by rape prevention will be discussed as well as public education as prevention.

#### Social Work Education Review Committee

May 27-28; 9:00 a.m.

Ramada Inn

8400 Wisconsin Avenue, Bethesda, Maryland  
20014

Open—May 27; 9:00 to 10:00 a.m.

Closed—Otherwise

Contact: Judith Ann Lynch, Room 9C-15,  
Parklawn Building, 5600 Fishers Lane,  
Rockville, Maryland 20857 (301) 443-1737

Purpose: The Committee is charged with the initial review, based on the scientific and

technical merit of applications submitted to the NIMH for Federal assistance of activities for education and manpower development support in the field of social work, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., May 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

#### Psychology Education Review Committee

May 29; 9:00 a.m.

Holiday Inn

Spring Room West

8777 Georgia Avenue

Silver Spring, Maryland 20910

Open—May 29; 9:00 to 10:00 a.m.

Closed—Otherwise

Contact: Mrs. Miriam Z. Ashery, Room 9C-08,  
Parklawn Building, 5600 Fishers Lane,  
Rockville, Maryland 20857 (301) 443-1220

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for education and manpower development in the field of psychology, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:00 a.m., May 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members will be furnished upon request by Mrs. Ruth Gorin, Committee Management Office, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 443-4333.

Dated: April 13, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol,  
Drug Abuse, and Mental Health  
Administration.

[FR Doc. 81-12205 Filed 4-22-81; 8:45 am]

BILLING CODE 4110-69-M

### National Institutes of Health

#### Mandatory Retirement Age for Commercial Airline Pilots; Open Meetings

##### Correction

In FR Doc. 81-11584, published on page 22463 in the issue of Friday, April 17, 1981 in the second paragraph the fifth line, the word "not" should be corrected to read "now".

BILLING CODE 1505-01-M

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D-81-636.]

#### Execution of Modification Agreements and Provisional Workout Arrangements for Certain Assigned and Purchase Money Multifamily Mortgages; Redlegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Redlegation of Authority to Execute Modification Agreements and Provisional Workout Arrangements for Certain Assigned and Purchase Money Multifamily Mortgages.

SUMMARY: This Notice redelegates to each Regional Administrator, Deputy Regional Administrator, Area Manager, Deputy Area Manager, Multifamily Service Office Supervisor, Director of Housing, and Deputy Director for Housing Management authority to prepare and execute Modification Agreements and Provisional Workout Arrangements for certain assigned and purchase money multifamily mortgages as specified.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald A. Myers, Office of Multifamily Financing and Preservation, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5730. This is not a toll free number.

SUPPLEMENTARY INFORMATION: This redelegated authority will assist the Department in improving its multifamily mortgage servicing by providing Field Offices authority to approve reinstatement plans for specified assigned and purchase money mortgages.

Accordingly, Section A of the redelegation of authority published at 35 FR 16104, as amended at 37 FR 104 and 14427, 38 FR 1298 and 21517, 39 FR 7478,

and 41 FR 12177 and 38200 is further amended by adding a new paragraph 4 to read as follows:

4. Each Regional Administrator, Deputy Regional Administrator, Area Manager, Deputy Area Manager, Multifamily Service Office Supervisor, Director for Housing, and Deputy Director of Housing Management is authorized to exercise the following authority:

a. To approve and execute Modification Agreements which recast the unpaid principal balance over the remaining term of assigned mortgages and purchase money mortgages.

b. To approve and execute Provisional Workout Arrangements with maximum one year terms for assigned mortgages and purchase money mortgages which the Assistant Secretary-Commissioner specifies.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Secretary's authority to redelegate published at 36 FR 5005 (1971))

Issued at Washington, D.C., April 13, 1981.  
George Hips, Jr.,

Acting General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-12348 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-8-1018]

### General Prototype Housing Costs for One- to Four-Family Dwelling Units; Correction

**AGENCY:** Department of Housing and Urban Development (HUD).

**ACTION:** Corrections of Notice.

**SUMMARY:** On August 14, 1980, at 45 FR 54210-54261, HUD published a Notice revising the prototype housing costs for one- to four-family dwelling units, based on cost data and other current information received from HUD Field Offices and the public. This Notice corrects several errors for certain market areas.

#### FOR FURTHER INFORMATION CONTACT:

John J. Coonts, Director, Single Family Development Division, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-8270 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The following prototype costs which are required to be reported under Section 904 of the Housing and Community Development Act of 1977 have no effect upon the public housing program, and should be distinguished from and not confused with the prototype costs

required under Section 6(b) of the Housing Act of 1937.

(a) On Page 54219, the prototype costs for HUD Pittsburgh, Pennsylvania Area Office, including market areas Erie, Altoona, and Johnstown, should be revised to read as follows:

	Range		
	Low	Medium	High
Pittsburgh	53,400	71,700	98,100
Erie	48,400	66,300	93,400
Altoona	47,200	65,100	91,000
Johnstown	47,600	65,700	91,600

(b) On page 54225, the prototype costs for Market Area, Charlotte, North Carolina, should be revised to read as follows:

	Range		
	Low	Medium	High
1 family dwelling	44,400	54,800	67,900

(c) On pages 54231 and 54232, under the HUD Cleveland, Ohio Service Office, the prototype costs for Youngstown, Finlay and Mansfield under the Low Range column, One Family Dwelling, should read, Youngstown 42,500, Finlay 46,000 and Mansfield 41,200, respectively.

(d) On page 54245, the prototype costs for HUD St. Louis, Missouri Area Office should be revised to read as follows:

	Range		
	Low	Medium	High
St. Louis:			
1 family dwelling	44,300	59,800	95,600
2 family dwelling		74,500	108,200
Kirksville:			
1 family dwelling	41,200	55,300	89,300
2 family dwelling		69,200	101,500
Columbia:			
1 family dwelling	42,200	56,400	90,300
2 family dwelling		70,300	102,500
Rolla:			
1 family dwelling	42,700	56,700	90,300
2 family dwelling		70,500	102,400
Cape Girardeau:			
1 family dwelling	42,600	57,000	91,400
2 family dwelling		71,100	104,500

(Section 7(d), Department of HUD Act [42 U.S.C. 3535(d)]; Section 904, Housing and Community Development Act of 1977 [42 U.S.C. 3540])

Issued at Washington, D.C., April 13, 1981.

George O. Hips, Jr.,

Acting Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 81-12348 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

### Office of the Secretary

[Docket No. D-81-645]

### Assistant Secretary and Deputy Assistant Secretary, Housing Production and Mortgage Credit; Amendment of Delegation of Authority

The Department is further amending the Delegation of Authority to the assistant Secretary and Deputy Assistant Secretary for Housing Production and Mortgage Credit at 36 FR 5007 (March 16, 1971), as amended, to include authority with respect to contracting to make, and making grants to local public housing agencies and Section 202 nonprofit corporations for the provisions of congregate services pursuant to Title IV of the Housing and Community Development Amendments of 1978, 42 U.S.C. 8001.

Accordingly, Section A of the Delegation of Authority to the Assistant Secretary and Deputy Assistant Secretary, published at 36 FR 5007, (March 16, 1971) as amended is further amended by adding a new "paragraph 11" to read as follows:

11. Title IV of the Housing and Community Development Amendments of 1978 with respect to contracting to make and making grants to local public housing agencies and Section 202 borrowers for the provision of congregate services.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date: This amendment is retroactive to April 30, 1979.

Issued at Washington, D.C. April 13, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-12347 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

### DEPARTMENT OF THE INTERIOR

#### Geological Survey

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G-1612, Block 67, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the

OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 13, 1981

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-12202 Filed 4-22-81; 8:45 am]  
BILLING CODE 4310-31-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3733, Block 703, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30

p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulation.

Dated: April 13, 1981.

**Lowell G. Hammons,**  
*Conservation Manager Gulf of Mexico OCS Region.*

[FR Doc. 81-12203 Filed 4-22-81; 8:45 am]  
BILLING CODE 4310-31-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1256, Block 172, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

Section 250.34 of Title 30 of the Code of Federal Regulations.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

April 15, 1981.

[FR Doc. 81-12199 Filed 4-22-81; 8:45 am]  
BILLING CODE 4310-31-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0518, Block 140, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 15, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-12200 Filed 4-22-81; 8:45 am]  
BILLING CODE 4310-31-M

**Bureau of Land Management**

[Serial No. I-15366 A]

**Idaho; Proposed Withdrawal Continuation**

April 14, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho (I-15366 A)

Public Water Reserve 107

Secretarial Order of Interpretation No. 120

T. 10 S., R. 3 W.,

Sec. 1, Lot 2.

The area described aggregates 40.15 acres in Owyhee County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metaliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawals or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 26, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer within 30 days of the date of publication of this notice.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that the continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum

concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724. Vincent S. Strobel,  
Chief, Branch of L&M Operations.

[FR Doc. 81-12178 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**[NM 44875]****New Mexico; Transfer of Jurisdiction**

April 15, 1981.

By the Act of December 19, 1980 (94 Stat. 3221, 3227) there is established in the State of New Mexico, the Chaco Culture National Historical Park. The new Park incorporates the former Chaco Canyon National Monument and includes within its expanded boundaries a total of approximately 33,989 acres. The lands included within the Park boundaries consist of the following:

New Mexico Principal Meridian, New Mexico

T. 20 N., R. 8 W.,

Sec. 10, SW $\frac{1}{4}$ .

T. 20 N., R. 10 W.,

Secs. 1, 2, 3, 11 and 12, all of those portions lying northeast of the 6,400 foot contour line.

T. 21 N., R. 10 W.,

Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;

Secs. 5 thru 9 inclusive;

Secs. 16 thru 30 inclusive;

Secs. 33 and 34, all of those portions lying east and northeast of the 6,400 foot contour line;

Secs. 35 and 36.

T. 21 N., R. 11 W.,

Secs. 1 thru 4 inclusive;

Secs. 8 thru 17 inclusive;

Secs. 19 thru 25, inclusive;

Sec. 26, NE $\frac{1}{4}$ 

Sec. 30.

T. 17 N., R. 12 W.,

Sec. 28, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 20 N., R. 12 W.,

Sec. 5, W $\frac{1}{2}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;Sec. 6, lot 8 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ );Sec. 8, W $\frac{1}{2}$ , and W $\frac{1}{2}$ E $\frac{1}{4}$ ;Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 21 N., R. 12 W.,

Secs. 24 and 25;

Sec. 31, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;Sec. 32, SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SW $\frac{1}{4}$ .

The Secretary is authorized to acquire lands, waters, and interests within the Park boundaries by conveyance, donation, exchange, or cooperative agreement as set forth in Section 504 of the Act.

The following Federal lands within the park boundaries, as a result of the Act, are administered by the National Park Service:

New Mexico Principal Meridian, New Mexico

T. 20 N., R. 10 W.,

Sec. 1, all.

T. 21 N., R. 10 W.,

Sec. 6, all;

Sec. 34, NE $\frac{1}{4}$ ;

Sec. 35, all.

T. 21 N., R. 12 W.,

Sec. 24, SW $\frac{1}{4}$ .

Prior withdrawals of the Federal lands are not affected by the Act and shall continue in force until revoked by the Secretary of the Interior.

Chaco Canyon National Monument is abolished by the Act. The lands formerly included in the Monument but not included in the Park shall be managed by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.* Such lands may be exchanged for non-Federal Property to be acquired pursuant to Section 504 of the Act. These lands are described as follows:

New Mexico Principal Meridian, New Mexico

T. 20 N., R. 8 W.,

Sec. 12, S $\frac{1}{2}$ .

T. 17 N., R. 12 W.,

Sec. 28, SE $\frac{1}{2}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The following patented land was included in the former Chaco Canyon National Monument by Proclamation. The land has never been acquired, and, therefore, it is not affected by the Act:

New Mexico Principal Meridian, New Mexico

T. 17 N., R. 10 W.,

Sec. 17, SE $\frac{1}{4}$ .

Administration of the Park by the National Park Service shall be in accordance with Section 506 of the Act. Consequently, the Federal lands within the Park boundaries are not open to mining under the Mining Law of 1872, 30 U.S.C. 22 *et seq.* or leasing under the Mineral Leasing Act of 1920, *as amended*, 30 U.S.C. 181 *et seq.* or the Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*

Valid existing rights in and to the Federal lands set forth herein, existing

prior to December 19, 1980, are not affected hereby.

Charles W. Luscher,  
State Director, Bureau of Land Management,  
New Mexico.

[FR Doc. 81-12160 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-17]

**Proposed Public Land Withdrawal for the Nellis Air Force Bombing Range; Availability of Final Environmental Impact Statement**

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Availability of the Final Environmental Impact Statement (FEIS).

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Air Force and BLM have prepared a FEIS for the Proposed Public Land Withdrawal for the Nellis Air Force Bombing Range.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force and BLM have prepared a final environmental impact statement for withdrawal of approximately 2,945,726 acres of public lands and wildlife range for the Nellis Air Force Bombing Range. The proposal involves continuance of Air Force operations similar to those occurring under the previous withdrawals. These lands have been utilized as an Air Force bombing range continuously since 1940.

The proposal would continue the restrictions on public use and access to about 2,120,000 acres of public lands and 826,000 acres of wildlife range. Future activities are estimated to result in an additional 7,600 acres of soil disturbance due to construction and operational activities. The proposal includes an additional 550 military personnel and their dependents being added to the area. The FEIS presents an examination of three alternatives to the proposed action. These include: no action, reduction in size, and joint use.

**FOR FURTHER INFORMATION CONTACT:** Ed Tilzey, Nevada State Office, Bureau of Land Management, Room 3145, Federal Building, 300 Booth Street, Reno, Nevada 89520, (702) 784-5602.

Copies of the FEIS will be available for review in all Nevada BLM offices and BLM, Public Affairs, Interior Building, 18th & C Streets NW, Washington, D.C. 20240, (202) 343-6011. Other copies will be available in public libraries in Las Vegas, Caliente, Carson City, Pioche, Ely, Reno and Tonopah. Libraries at the University of Nevada's

Las Vegas and Reno campuses will also have copies. Additional single copies of the FEIS can be obtained from the Nevada State Office, BLM, P.O. Box 12000, Reno, Nevada 89520.

Dated: February 12, 1981.

Edward F. Spang,  
State Director, Nevada.

April 17, 1981.

Cecil S. Hoffmann,  
Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-12216 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**Challis MFP Amendments; Public Meeting**

Notice is hereby given that a public meeting will be held on May 21, 1981, at 7:00 p.m., at the American Legion Hall in Challis, Idaho.

Purpose of the meeting is to:

1. Revise the Challis Management Framework Plan (Salmon District, Idaho) to reflect changing local lands needs and uses due to the unanticipated and rapid development of the Cyprus Molybdenum Mine.

2. Incorporate the four identified Wilderness Study Areas into the MFP. These areas were not identified when the Challis MFP was written.

3. Receive any additional Issues of Concern to consider in the MFP Amendments.

The amendments will be included in two separate documents. A Category I (No Environmental Statement) Amendment will address changes to lands decisions while a Category II (with ES) Amendment will address decisions on the suitability of the Wilderness Study Areas for wilderness designation.

An open house will be held prior to the meeting from 10:00 a.m. to 5:00 p.m. at the American Legion Hall. BLM staff will be there to receive comments, answer questions and provide copies of the original Challis MFP, Wilderness Inventory and other documents to persons unable to attend the 7:00 p.m. meeting.

Written comments or request for information should be sent to: BLM District Manager, P.O. Box 430, Salmon, Idaho 83467.

Dated: April 17, 1981.

Harry R. Finlayson,  
District Manager.

[FR Doc. 81-12274 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**Colorado, Craig District**

The Bureau of Land Management is soliciting industry input into the energy and minerals inventory currently taking place in the Kremmling Resource Area, Colorado. This inventory will be used in making resource allocations and land use decisions in the Resource Management Plan process.

In order to structure this input, the Rocky Mountain Oil and Gas Association and the Minerals Exploration Coalition, in cooperation with BLM, have developed an energy and mineral resource rating system. This system is intended to encourage industry to rate particular tracts of land according to the favorability of the geologic environment to contain quantities of mineral and energy resources. Application of this system to the Kremmling Resource Area will serve as an experimental application of the rating system and, if determined successful by the BLM and the minerals and energy resource industries, may be implemented Bureau-wide.

The Kremmling Resource Area is located in north-central Colorado, primarily in Grand and Jackson Counties, with small portions in Larimer, Summit, and Eagle Counties. This includes the North Park and Middle Park regions.

A packet of information on the minerals rating system and the forms necessary to rate the mineral resource by individual tracts in the Kremmling Resource Area may be obtained by contacting John Singlaub, Land Use Planner, at the following address, or by calling him on (303) 824-8261: Bureau of Land Management, Craig District Office, P.O. Box 248, Craig, Colorado 81626.

Anyone or any firm with geologic information on the Kremmling Resource Area is encouraged to participate in this mineral inventory rating process.

Lee Carle,  
District Manager.

[FR Doc. 81-12275 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

[N-3497, N-3762, N-4132, N-4355, N-4789, N-5411, N-5419, N-6941, N-6089, Nev-012427, N-9451, N-16675]

**Nevada; Order Providing for Opening of Public Lands; Correction**

In FR Doc. 81-9876 appearing on pages 20304 and 20305 in the issue for Friday, April 3, 1981, the following items should be corrected to read as follows:

*Second Column*

Under N-4355:

Line 10 should read: "The area described comprises 632.10"

**Under N-5411:**

Line 1 should read: "T. 33 N., R. 37 E.,"

Line 2 should read: "sec. 5, Lots 1, 5, 6, 8, 9, 10, S½NE¼, SW¼."

Line 22 should read: "sec. 35, N½, N½SE¼SE¼, N½SE¼."

Line 29 should read: "sec. 31, NE¼, N½SE¼, W½."

**Third Column**

**Under N-6941:**

Line 6 should read: "and 8A approximately, 20 miles north of"

**Under N-6089:**

Line 3 should read: "sec. 23, N½NE¼."

Charles E. Hancock,

*Acting Chief, Division of Technical Services.*

[FR Doc. 81-12276 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**Multiple Use Advisory Council; Meeting**

Notice is hereby given in accordance with Public Law 92-579 that a meeting of the Vale District Multiple Use Advisory Council will be held May 27, 1981, beginning at 9:00 a.m. in the conference room of the Bureau of Land Management Office at 365 "A" Street West, Vale, Oregon 97918.

The agenda for the meeting will include: (1) Approval of January 27, 1981 Council meeting minutes; (2) Briefings on: (a) Wilderness Study, (b) Owyhee River Alternative Access Study, (c) Proposed gathering of Hog Creek Wild Horse Herd, (d) Program Priority Guides for Oregon and Washington, and (3) Council action on: (a) Rangeland Improvement Policy, (b) Draft Ironside Rangeland Program Summary, and (c) Proposed Issues and Planning Criteria to be considered in Southern Malheur EIS Area Planning Effort.

The meeting is open to the public. Interested persons may make oral statements to the Council, or may file written statements for the Council's consideration. Anyone wishing to make oral statements must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by May 20, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. The meeting will be opened for public comment at 4:00 p.m.

Summary minutes of the Council meeting will be maintained in the District Office and be available during regular business hours for public

inspection, for cost of duplication, within 30 days following the meeting. A copy will be furnished each Council member.

Fearl M. Parker,

*District Manager.*

[FR Doc. 81-12232 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**Redding District Multiple Use Advisory; Council Meeting**

Notice is hereby given in accordance with Public Law 94-579 and 43 CFR Part 1780, that a meeting of the Redding District Multiple Use Advisory Council will be held on June 10 and 11, 1981. On Wednesday, June 10, leaving at 7:30 a.m., from the Bureau of Land Management Office, 355 Hemsted Drive, Redding, California, a field trip will be conducted to northeastern Siskiyou County. On Thursday, June 11, the meeting will begin at 8:30 a.m., Dorris City Hall, Dorris, California.

The agenda for the meeting will include:

- June 10—Field trip of the Mt. Dome Planning Unit to review proposed recommendations on rangeland management.
- June 11—1. Receive Advisory Council's comments regarding Planning Criteria Document for Redding Planning update.
2. Update on other District programs.
3. Mt. Dome proposed grazing management recommendations.
4. Vegetative-Wildlife inventory procedures for planning update.

The Redding District is beginning an update of their planning documents. The planning criteria document is the framework which narrows the perspective of what resources and resource uses will be addressed. It is broken down into four sections: Issues; goals and objectives; criteria for alternative development; and alternative definitions.

The Mt. Dome proposed recommendations have been prepared by the Siskiyou Area Manager. They are a culmination of the Mt. Dome Environmental Impact Statement on range conditions and revised planning decision.

The meeting is open to the public. Interested persons may make oral statements to the Council or file a written statement that can be considered by the Council. The public is invited to accompany the Council on the field trip, however, transportation will only be furnished for the Advisory Council.

Public discussion or statements

regarding the Mt. Dome proposed recommendations will be heard between 10:15 a.m. and 12:00 p.m. and other public statements between 1:00 p.m. and 2:00 p.m. on June 11, 1981, or as pre-arranged with the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection during normal business hours within 30 days following the meeting.

Stanley D. Butzer,

*District Manager.*

[FR Doc. 81-12230 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M

**Outer Continental Shelf; Availability of Official Protraction Diagrams**

**AGENCY:** Department of the Interior, Bureau of Land Management.

**ACTION:** Availability of Official Protraction Diagrams.

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, CA. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

**Outer Continental Shelf Official Protraction Diagrams**

Description	Approval date
NJ 9-2	Dec. 17, 1980
NJ 9-5, Pioneer Escarpment	Do.
NJ 9-6	Do.
NJ 9-9	Do.
NK 9-2	Do.
NK 9-3, Neceta Bank	Do.
NK 9-5, President Jackson Seamount	Do.
NK 9-8, Klamath Ridge	Do.
NK 9-11	Do.
NL 9-8, Vance Seamount	Do.
NL 9-11, Parks Seamount	Do.

Copies of these diagrams are for sale at two dollars (\$2.00) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 West Sixth Street, Room 200, Los Angeles, CA 90017. Checks or money orders should be made payable to the Bureau of Land Management.

Keith Shone,

*Acting Manager, Pacific Outer Continental Shelf Office.*

[FR Doc. 81-12278 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-84-M



**Winnemucca District; Multiple Use Advisory Council; Meeting**

Dated: April 14, 1981.

Notice is given in accordance with Public Law 92-463, that a meeting of the Winnemucca District Multiple Use Advisory Council will be held on June 4, 5, 1981. The meeting consisting of a field tour will begin at Buno's Country Club and Motel, Gerlach, Nevada.

The meeting is open to the public. Interested persons may make oral statements to the Council at 8:00 a.m. on June 4, 1981 or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by May 20, 1981. Depending on the number of persons wishing to make oral statements a per person time limit may be established by the District Manager.

Agenda (Itinerary): (1) Following period for public participation, members will depart from Bruno's Country Club and Motel, Gerlach, Nevada; (2) Proceed to Black Rock Desert and Double Hot Springs; (3) Along Applegate-Lassen Immigrant Trail to the Soldier Meadow/High Rock area; (4) Overnight stay at either High Rock Lake or Mahogany Creek, the next destination; (5) Discussions at points along the way will concentrate of conflicts with geothermal leasing, mainly with recreational and historical resources; (6) June 5, 1981 will be spent in the Mahogany Creek Area observing and discussing aspects of riparian habitat management.

Summary minutes of the Council meeting (tour) will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting (tour).

Dated: April 14, 1981.

Vaden G. Stickley,

Acting District Manager for State Director,  
Nevada.

[FR Doc. 81-12233 Filed 4-22-81; 8:45 am]

BILLING CODE 4310-94-M

**DEPARTMENT OF THE INTERIOR**

[1601 (N-6700)]

**Tonopah Resource Area: Notification of Management Framework Plan Amendment and Environmental Impact Statement Preparation****Description of the Proposed Planning Action**

The Bureau of Land Management's Battle Mountain District (Nevada) is amending the Tonopah Resource Area Management Framework Plan to determine which Wilderness Study Areas in the resource area should be recommended as suitable or non-suitable for wilderness designation. In order to determine the possible impacts of the amendment, an environmental impact statement will be prepared in conformance with the National Environmental Policy Act of 1969. Implementation of the planning amendment will not occur until Congress officially acts on the recommendations developed from the amendment.

The planning amendment and environmental impact statement will be prepared in accordance with the Bureau of Land Management's planning regulations (43 CFR 1600). The Wilderness study will also utilize the Bureau's Draft Wilderness Study Policy (published in Federal Register vol. 45, No. 246/Friday, December 19, 1980) as interim guidance until the final policy is issued.

**Scope of Study**

Nine Wilderness Study Areas, totalling 462,640 acres of public lands administered by the Bureau of Land Management in central Nevada, will be studied to determine their suitability for inclusion into the National Wilderness Preservation System. The Wilderness Study Areas under consideration are located in Nye County, Nevada.

The following is a listing of those Wilderness Study Areas which will be included in the amendment:

Wilderness study area	Acres
Kawich (NV-060-019)	27,360
Rawhide Mountain (N-060-059)	64,360
South Reveille (NV-060-112)	106,200
Palisade Mesa (NV-060-142/162)	99,550
The Wall (NV-060-163)	38,000
Grant Range (NV-060-166)	6,550
Pandango (NV-060-190)	40,940
Morey (NV-060-191)	20,120
Blue Eagle (NV-060-158/199)	59,560
Total	462,640

**Proposed Issues and Planning Criteria**

The proposed issue for the Tonopah Resource Area Management Framework Plan amendment is:

Which Wilderness Study Areas or portions of Wilderness Study Areas, if any, within the Tonopah Resource Area are suitable to be recommended to Congress for wilderness designation?

The development of planning criteria which will guide the collection and use of inventory data and information, the analysis of the management situation, the design and formulation of alternatives, the estimate of effects of alternatives, and the selection of the final amendment is in progress.

**Disciplines Represented on the Planning Team**

The planning team will consist of individuals with expertise in the following disciplines:

(1) Range management, (2) wildlife habitat management, (3) wild horse management, (4) minerals, (5) forestry, (6) watershed, (7) outdoor recreation, (8) wilderness, (9) cultural resources, (10) fire management, (11) socio-economics.

**Public Participation**

Public comment and involvement will be solicited during the identification of issues and development of planning

criteria, and upon publication of the draft amendment and environmental impact statement. The time, dates, and locations of public meetings and hearings, and other public participation opportunities have yet to be determined. News releases will be issued identifying specific meeting places and times. Persons interested in participating in the wilderness study process should submit their name and address for inclusion on the Tonopah Resource Area wilderness study mailing list to the address given below.

#### Address

Comments or requests for further information should be addressed to Mr. Leslie A. Monroe, Tonopah Resource Area Manager, Bureau of Land Management, P.O. Box 911, Tonopah, Nevada 89049. Telephone (702) 482-6214.

#### Availability of Planning Documents

All planning documents relating to existing management of the resource area and any new documents developed during preparation of the Management Framework Plan amendment and environmental impact statement will be available for public review at the Tonopah Area Office, the Battle Mountain Office, and the Nevada State Office, Reno.

Date Signed: April 7, 1981.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District, Nevada.

[FR Doc. 81-12277 Filed 4-22-81; 5:45 am]

BILLING CODE 4310-84-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carrier; Temporary Authority Application

#### Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and

quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property Notice No. 113

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 117613 (Sub-II-26TA), filed April 10, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Contract, irregular: *Paper and paper products and plastic and plastic products*, between all points in the United States under a continuing contract with Hal-Rose, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hal-Rose, Inc., P.O. Box 1069, Benjamin Fox Pavillion, Jenkintown, PA 19046.

MC 151785 (Sub-II-1TA), filed April 13, 1981. Applicant: CONTRACT CARTAGE CORP., 1104 Merridale Blvd., Mount Airy, MD 21771. Representative: Alvin Quittner (same as applicant). Contract, irregular: *New or used, assembled or partially assembled, construction equipment, agricultural equipment, backhoe loaders, earth moving equipment, material handling equipment, and accessories, parts and materials used in the fabrication, assembly or repair of the aforementioned equipment and loaders*, between points in the U.S., under a continuing contract with JCB, Inc. of White Marsh, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): JCB, Inc., 10939 Philadelphia Rd., White Marsh, MD 21162.

MC 61445 (Sub-II-3TA), filed April 10, 1981. Applicant: CONTRACTORS

TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Contractor's equipment, materials, and supplies and iron and steel articles* between pts. and in the U.S. in and east of TX, OK, MO, IA, and MN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Philadelphia, PA.

MC 123887 (Sub-II-1TA), filed April 10, 1981. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Malt beverages*, between Fostoria and Columbus, OH, on the one hand, and, on the other, Charleston and Huntington, WV for 270 days. Underlying ETA seeks 120 days. Supporting shipper(s): Central Distributing Co., 108 4th Ave., Huntington, WV 25701.

MC 154545 (Sub-II-2TA), filed April 13, 1981. Applicant: LOUIS E. BURRISS, d.b.a. L & M EXPRESS, 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Waste and refuse equipment, including materials and supplies used in the manufacture, sale and distribution thereof*, between Winamac, IN, Tishomingo, MS, Iron Mountain, MI and Duffield, VA, including their respective commercial zones, on the one hand, and, on the other, points in VA, MD, DE and PA, for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: HICO Equipment, Inc., P.O. Box 548, Belair, MD 21014.

MC 108811 (Sub-II-1TA), filed April 9, 1981. Applicant: THOMAS MOTOR TOURS, INC., 5047 Solomon's Island Rd., Lothian, MD 20820. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K St., NW., Washington, DC 20005. *Passengers and their baggage*, in the same vehicle with passengers, in round trip special operations, beginning and ending at the Holiday Inn of Bowie, Bowie, MD, and the Holiday Inn of Annapolis, Annapolis, MD, and extending to Atlantic City, NJ, for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 11 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Philadelphia, PA.

Originally published in Federal Register on February 9, 1981. The purpose of this republication is to include items 13 through 19, which were

omitted in the original publication on February 9, 1981. MC 59957 (Sub-II-8-TA), filed January 28, 1981. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Common: Regular: General Commodities* (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), (1) between Savannah, GA, and Montgomery, AL, over U.S. Hwy 80, (2) between Montgomery, AL, and Louisville, KY, (a) from Montgomery over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31E to Louisville, and return over the same route, (b) from Montgomery over U.S. Hwy 31 to Nashville, TN, then over U.S. Hwy 31W to Louisville, and return over the same route, (3) between Macon, GA, and Henderson, KY, over U.S. Hwy 41, (4) between Charleston, SC, and Memphis, TN, over U.S. Hwy 78, (5) between Petersburg, VA, and Swainsboro, GA, over U.S. Hwy 1, (6) between Memphis, TN, and St. Louis, MO, over U.S. Hwy 61, (7) between Hagerstown, MD, and Tuscaloosa, AL, (a) from Hagerstown over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11W to Knoxville, TN, then over U.S. Hwy 11 to Tuscaloosa, and return over the same route, (b) from Hagerstown over U.S. Hwy 11 to Bristol, VA, then over U.S. Hwy 11E to Knoxville, TN, then over U.S. Hwy 11 to Tuscaloosa, and return over the same route, (8) between Beaufort, SC, and Cambridge, OH, over U.S. Hwy 21, (9) between Augusta, GA, and Cincinnati, OH, (a) from Augusta over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25E to the junction of U.S. Hwy 25E and U.S. Hwy 25 (near Corbin, KY), then over U.S. Hwy 25 to Cincinnati, and return over the same route, (b) from Augusta over U.S. Hwy 25 to Newport, TN, then over U.S. Hwy 25W to the junction of U.S. Hwy 25W and U.S. Hwy 25 (near Corbin, KY), then over U.S. Hwy 25 to Cincinnati, and return over the same route, (10) between Columbia, SC, and Savannah, GA, from Columbia over U.S. Hwy 321 to the junction of U.S. Hwy 321 and U.S. Hwy 17 (near Hardeeville, SC), then over U.S. Hwy 17 to Savannah, and return over the same route, (11) between Savannah, GA, and Fredericksburg, VA, over U.S. Hwy 17, (12) between Tupelo, MS and Effingham, IL, (a) from Tupelo over U.S. Hwy 45 to the junction of U.S. Hwy 45 and U.S. Hwy 45W (near Fairview, TN), then over U.S. Hwy 45W to Fulton, KY, then over U.S. Hwy 45 to Effingham, and return over the same route, (b) from Tupelo over U.S. Hwy 45 to the junction of U.S. Hwy 45 and U.S.

Hwy 45E (near Fairview, TN), then over U.S. Hwy 45E to Fulton, KY, then over U.S. Hwy 45 to Effingham, and return over the same route, (13) between Tuskegee, AL, and Washington, DC, over U.S. Hwy 29, (14) between New Bern, NC, and Memphis, TN, over U.S. Hwy 70, (15) between Wilmington and Asheville, NC, over U.S. Hwy 74, (16) between Chattanooga and Memphis, TN, over U.S. Hwy 72, (17) between Williamston, NC, and Memphis, TN, over U.S. Hwy 64, (18) between the junction of Interstate Hwy 20 and Interstate Hwy 95 (near Florence, SC), and Tuscaloosa, AL, over Interstate Hwy 20, (19) between Greensboro, NC, and Memphis, TN, over Interstate Hwy 40, (20) between Cincinnati, OH, and Macon, GA, over Interstate Hwy 75, (21) between Richmond, VA, and the junction of Interstate Hwy 95 and U.S. Hwy 80 (near Savannah, GA), over Interstate Hwy 95, (22) between the junction of Interstate Hwy 85 and Interstate Hwy 95 (near Petersburg, VA), and Montgomery, AL, over Interstate Hwy 85, (23) between Charleston, SC, and Asheville, NC, over Interstate Hwy 26, (24) between Louisville, KY, and Washington, PA, from Louisville over Interstate Hwy 64 to Charleston, WV, then over Interstate Hwy 79 to Washington, and return over the same route, serving all intermediate points, in routes (1) through (24) and serving, as off-route points in connection with routes in (1) through (24) points in Autauga, Calhoun, Colbert, Elmore, Etowah, Jefferson, Lauderdale, Limestone, Madison, Marshall, Montgomery, Russell, St. Clair, Shelby, Tuscaloosa and Walker Counties, AL; Crittenden County, AR; Bib, Cryan, Butts, Catoosa, Chatham, Chattahoochee, Cherokee, Clayton, Cobb, Columbia, Columbus, Dade, DeKalb, Douglas, Effingham, Fayette, Forsyth, Fulton, Givinnett, Henry, Houston, Jones, Muscogee, Newton, Paulding, Richmond, Rockdale, Twiggs, Walker, and Walton Counties, GA; DeSoto County, MS; Franklin, Jefferson, St. Charles, and St. Louis Counties, MO; NC, SC, and TN. Authority is sought to tack with applicant's present authority at MC-59957; to interline at all common points; and to provide service to and from the Commercial Zones of all authorized points. There are 70 statements in support of this application which may be examined at the ICC Regional Office in Philadelphia, PA.

MC 149484 (Sub-II-15TA), filed April 9, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite

800, 8133 Leesburg Pike, Vienna, VA 22180. *Plastic pipe, fittings and related products in cartons, coils and bundles*, between the facilities of Crestline Plastic Pipe Co., Inc., at Mechanicsburg, PA on the one hand, and, on the other, points in OH, NY, ME, VT, NH, MA, CN, RI, NJ, MD, DE, VA, WV, KY, NC, SC and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Crestline Plastic Pipe Co., Inc., 264 Silver Spring Rd., Mechanicsburg, PA 17055.

MC 92550 (Sub-II-1TA), filed April 8, 1981. Applicant: J. G. STROCK, d.b.a. SAFEWAY MOTOR FREIGHT, 848 Willard NE., Warren, OH 44483. Representative: Helen M. Strock (same as applicant). *Contract; irregular: Steel wire*, from Aliquippa, PA to Girard, OH. Restricted to traffic moving under continuing contract(s) with Brainard Rivet Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Brainard Rivet Co., 222 Harry St., Girard, OH 44420.

MC 154713 (Sub-II-4TA), filed April 9, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Clay and clay products* between points in Calhoun County, AL, on the one hand, and, on the other, points in CT, FL, GA, IL, IN, IA, KS, LA, MD, MA, MI, MN, MO, NY, OH, PA, TX, WI, SC and WV for 270 days. Supporting shipper: Donoho Clay Co., P.O. Box 843, Anniston, IL 36202.

MC 146899 (Sub-II-1TA), filed April 9, 1981. Applicant: TOLEDO-DETROIT EXPRESS, INC., 5601 Enterprise Blvd., Toledo, OH 43612. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., Post Office Box 1240, Arlington, VA 22210. *Iron and steel articles*, from Toledo, OH and Detroit, MI, and points in their commercial zones, to points in WV, IN, PA, MI and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are six supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 145930 (Sub-2-5TA), filed April 8, 1981. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Steel products* (1) from Weirton, WV to Newton Falls, OH; Chicago, IL; and Hammond, IN; and (2) from Hammond, IN to Detroit, MI and points in OH for 270 days. Supporting shipper: Triangle

Steel Service Corp., 2405 Fruitville Rd., Sarasota, FL 33577.

MC 136343 (Sub-II-19TA), filed April 10, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Audio, video, electrical and computer items, and commodities dealt in and utilized by manufacturers and distributors of audio, video, electrical and computer items between the facilities of Zenith Radio Corporation at Evansville, IN, Springfield, MO and Watsontown, PA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Zenith Radio Corp., 1900 North Austin Ave., Chicago, IL 60639.*

MC 136343 (Sub-II-20TA), filed April 10, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Audio, video, electrical and computer items, and commodities dealt in and utilized by manufacturers and distributors of audio, video, electrical and computer items between Benton Harbor, MI; Chicago, IL; and Paris, IL, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA for 270 days. Supporting shipper: Zenith Radio Corp., 1900 North Austin Ave., Chicago, IL 60639.*

MC 115181 (Sub-II-13TA), filed April 10, 1981. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Box 148, Pine Grove, PA 17963. Representative: Lee E. High, 536 Penn St., Reading, PA 19602. *Petroleum Coke, from points in Camden, NJ to St. Marys, PA and return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Airco Carbon Co., 800 Theresia St., St. Marys, PA 15857.*

MC 152509 (Sub-II-6TA), filed April 6, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO.; 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). *Contract Irregular: Furniture, lighting fixtures, plastic articles—expanded, paper and paper products, and equipment, materials and supplies used in the manufacture and distribution of the above products (except in bulk), between all points in the US (except AK and HI) under continuing contract with Scott Paper Company for 270 days. Supporting shipper(s): Scott Paper Co., Scott Plaza II, Phila., PA 19113.*

MC 139858 (Sub-II-1TA), filed April 1, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. *Contract Irregular: cotton thread, cotton waste, bedspreads or coverlets, blankets, comforts or quilts, cloth or rags, cloth, fabric or piece goods. (1) From Fairfax and Phoenix City, AL; Atlanta, Columbus, Griffin, Hawkinsville and Newnan, GA; Charlotte, Concord, Kannapolis, Laurinburg, Raleigh, Roanoke Rapids, Swannonoa and Wagram, NC; Lebanon, PA; and Belton, Lando, and Welford, SC To: Cincinnati, Hamilton and St. Mary's, OH. (2) From Kannapolis, NC to Lebanon, PA. (3) From Cincinnati, Hamilton and St. Mary's OH to CA, CT, DC, Ft. Lauderdale, Jacksonville, Miami, Orlando, St. Petersburg and Tampa, FL; Atlanta and Newman, GA; ME, Baltimore, MD; Boston, MA; NH; Hackensack, NJ, Charlotte, Henderson and Raleigh, NC; NY, NY; Oklahoma City, OK; Lebanon and Philadelphia, PA; Dallas and Houston, TX; and VT for 270 days. Supporting shipper: The Leshner Corporation, 1010 Eaton Avenue, Hamilton, OH 45013.*

MC 140104 (Sub-II-1TA), filed April 8, 1981. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Rd., Toledo, OH 43613. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *Ice cream and ice cream products, from Woodbridge, NJ, to pts in IL, IN, MN, MO, OH and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Woodbridge Sweets, Inc., 1 Amboy Avenue, Woodbridge, NJ 07095.*

MC 152509 (Sub-II-7TA), filed April 9, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS, CO., Post Office Box 5856, Cleveland, OH 44101. Representative: Robert R. Harris, Suite 501, 1730 M Street, N.W., Washington, D.C. 20036. *Contract Irregular: general commodities (except Classes A and B explosives, commodities in bulk and hazardous materials) between Detroit, MI, on the one hand, and, on the other, Portland, OR, Dallas, TX, Chicago, IL, Atlanta, GA, North Bergen, NJ, and New York, NY, under continuing contract(s) with Advance Pool Distribution Co. of Madison Heights, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Advance*

Pool Distribution Co., Post Office Box 72, Madison Heights, MI 48071.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12151 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 383 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302,

11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

#### Volume No. OPY5-38

Decided: April 15, 1981.

By the Commission, Review Board No. 3, Krock, Joyce and Dowell.

MC-F-14613, filed April 1, 1981. C. E. ESTES, DOROTHY T. ESTES, MICHAEL E. ESTES, EMMETT C. WILLIAMSON, AND WILLIAM S. MICHAUX (Individuals) (P.O. Box 24286, Richmond, VA 23224)—CONTINUANCE IN CONTROL—WEST POINT TRANSPORT, INC. (West Point) (1700 Willis Road, Richmond, VA 23234). Representative: Paul D. Collins, P.O. Box 24286, Richmond, VA 23224. The individuals seek to continue in control of West Point in a common interest with Great Coastal Express, Inc. (Great Coastal), upon the institution by West Point of operations in interstate or foreign commerce as a motor contract carrier. This control in a common interest will result from certain stock holdings, directorships, official positions, and family and business relationships of and between the individuals. Great Coastal is a motor common carrier pursuant to certificates issued in No. MC-4491 and subs which authorize the transportation of general and specific commodities, over regular and irregular routes, in CT, DE, GA, MD,

MA, NJ, NY, NC, PA, RI, SC, VA, WV, and DC.

Note.—West Point has filed as a directly-related application its initial contract carrier application. This application, docketed No. MC-153979, is published in this same Federal Register issue.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12153 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343, or 11344. The Applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

#### Volume No. OPY5-37

Decided: April 15, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce and Dowell.

MC 153979 filed April 1, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Road, Richmond, VA 23234. Representative: Paul D. Collins, P.O. Box 24286, Richmond, VA 23224. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Best Products Co., Inc., of Richmond, VA, Contract Marine Carriers, Inc., of Charleston, SC, Westvaco Corporation of New York, NY, and Hercules, Incorporated, and ICI Americas, Inc., both of Wilmington, DE.

Note.—This application is directly related to MC-F-14613, published in this same Federal Register issue.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12154 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Permanent Authority Decisions Volume No. 64]

#### Restriction Removals; Decision-Notice

Decided: April 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,  
Secretary.

MC 2392 (Sub-140)X, filed April 2, 1981. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 19, 23, 30, 35, 37, 39, 40, 42, 43, 44, 45, 50, 51, 52, 59, 61, 62, 64, 68, 69, 72, 77, 81, 82, 86, 88, 102, 107, 109, 111, 116, 117, 125, 128, 130, 137, and 138 certificates to (1) broaden the commodity description from (a) anhydrous ammonia, dry fertilizer and urea, fertilizer and fertilizer materials, furfural and furfural alcohol, urea liquor, liquid resin, resin, liquid resin acetate, liquid fertilizer, phosphatic solution, and alcohol and ethanol to "chemicals and related Products" in Sub-Nos. 23, 35, 37, 39, 42, 43, 44, 45, 51, 52, 62, 64, 68, 69, 71, 72, 77, 82, 86, 88, 102, 107, 109, 111, 116, 117, 125, 128, 137, and 138; (b) fertilizer and fertilizer compounds, acids, and chemicals, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions, chemicals and fertilizers, fertilizers, insecticides, fungicides, and herbicides, and materials and ingredients thereof, chemicals and fertilizer and fertilizer

materials derived from petroleum and petroleum products, to "commodities in bulk" in Sub-Nos. 30, 40, 50, 59, and 61; (c) tallow and fluid lard and grease to "meat products" in Sub-No. 130; (d) Soybean oil to "food and related products" in Sub-No. 137; (2) remove the (a) "in tank vehicles" in Sub-Nos. 19, 23, 35, 39, 40, 45, 51, 52, 68, 77, 81, 82, 88, 102, 107, 109, 111, 116, 125, 128, 137, and 138, (b) "in tank or hopper type vehicles" in Sub-No. 30; (3) remove the "in bulk and bags" restriction in Sub-No. 68; (4) remove facilities restrictions in Sub-Nos. 23, 35, 39, 40, 42, 43, 44, 45, 50, 51, 52, 59, 61, 62, 68, 69, 86, 102, 116, and 137; (5) replace authority to serve named points with county-wide authority: Madison County, NE, for Norfolk, NE, and Yankton County, SD, for Yankton, SD, in Sub-No. 19; Adams County, NE, for Hastings, NE, in Sub-No. 23; Dodge County, NE, for Fremont, NE, in Sub-No. 30; Hamilton County, NE, for Murphy, NE, in Sub-No. 35; Otoe County, NE, for Nebraska City, NE, in Sub-No. 37; Webster County, IA, for Fort Dodge, IA, in Sub-No. 39; Marion County, MO, for South River, MO; Union County, IA, for Creston, IA in Sub-No. 42; Des Moines County, IA, for Burlington, IA, in Sub-No. 43; Hancock County, IA, for Garner, IA, in Sub-No. 45; Morgan County, IL, for Merodasia, IL, in Sub-No. 51; Sarpy County, NE, for La Platte, NE, in Sub-No. 52; Washington County, NE, for Blair, NE, in Sub-No. 59; Lancaster County, NE, for Lincoln, NE, in Sub-No. 61; Lee County, IA, for Fort Madison, IA, in Sub-No. 68; Hutchison County, TX, for Borger, TX, McPherson County, KS, for Conway, KS, Cass county, NE, for Greenwood, NE, Minona County, IA, for Whiting, IA, Sac County, IA, for Early, EA, and Hancock county, IA, for Garner, IA, in Sub-No. 69; Erie County, NY, for Buffalo, NY, Niagara County, NY, for North Tonawanda, NY, Wayne County, MI, for Detroit, MI, in Sub-No. 77; Gage County, NE, for Hoag, NE, in Sub-No. 81; Tuscaloosa County, AL, for Tuscaloosa, AL, New Haven County, CT, for Wallingford, CT, New Castle County, DE for Marshallton and Wilmington, DE, Glynn County, GA, for Brunswick, GA, Carroll County, GA, for Carrollton, GA, Macon County, IL, for Decatur, IL, Essex County, MA, for Andover, MA, Berkshire County, MA, for Pittsfield MA, Worcester County, MA, for Worcester, MA, Forrest County, MS, for Hattiesburg, MS, Middlesex County, NJ, for Carteret, NJ, Gloucester County, NJ, for Paulsboro, NJ, Morris County, NJ, for Whippany, NJ, Chenango County, NY, for Bainbridge and Norwich, NY, Mecklenburg County, NC, for Charlotte, NC, Catawba County, NC, for Hickory,

NC, Lawrence County, OH, for Ironton, OH, Scioto county, OH, for McDermott, OH, Kay County, OK, for Ponca City, OK, Erie County, PA, for Erie, PA, Washington County, PA, for Muse, PA, Allegheny and Westmoreland Counties, PA, for Pittsburg, PA, Berks County, PA, for Mertztown, PA, Lawrence County, TN, for Lawrenceburg, TN, Brazoria County, TX, for Alvin TX, Wood County, WI, for Marshfield, WI, Macomb County, MI, for Mt. Clemens, MI, in Sub-No. 82; Adams County, NE, for Hastings, NE, in Sub-No. 86; Moys County, OK, for Pryor, OK, and Dodge County, NE, for Fremont, NE in Sub-No. 88; Clay and Ida Counties, IA, for Spencer and Holstern, IA, Butler County, NE, for David City, NE, in Sub-No. 102; Midland County, MI, for Midland, MI, and Gregg County, TX, for Longview, TX, in Sub-No. 107; Macon, Peoria and Winnebago Counties, IL, for Decatur, Peoria, and Rockford, IL, Lake, St. Joseph, Elkhart, Noble and Kasciusko Counties, IN, for Elkhart, Gary, Hammond, Indianapolis, Kendallville, Mishawaka, South Bend, and Warsaw, IN, Scott, Linn and Black Hawk Counties, IA, for Bettendorf, Cedar Rapids, Davenport, Dubuque, and Waterloo, IA, Sedgwick County, KS, for Wichita, KS, Lancaster and Gage Counties, NE, for Beatrice, and Lincoln, NE, Defiance and Allen Counties, OH, for Defiance, and Lima, OH, in Sub-No. 109; Buffalo County, NE, for Optic, NE, in Sub-No. 111; Finney County, KS, for Friend, KS, in Sub-No. 116; Mendocino and Solano Counties, CA, for Ukiah, and Vallejo, CA, New London County, CT, for Groton, CT, Montgomery County, KS, for Coffeyville, KS, Trumbull and Licking Counties, OH, for Hubbard, and Newark, OH, and Centre County, PA, for State College, PA, in Sub-No. 117; Pottawattomie and Hardin Counties, IA, for Council Bluffs, and Eldora, IA, and Platte County, NE, for Columbus, NE, in Sub-No. 125; Red Willow County, NE, for Perry, NE, in Sub-No. 128; Cuming County, NE, for West Points, NE, Crawford and Webster Counties, IA, for Denison and Ft. Dodge, IA, Lyon County, KS, for Emporia, KS, Rock County, MN, for Luverne, MN, Saline County, NE, for Crete, NE, and Hardin County, IA, for Iowa Falls, IL, in Sub-No. 130; Carroll County, IA, for Manning, IA, and Cass County, NE, for Weeping Water, NE, in Sub-No. 137; (6) authorize radial service in lieu of one-way authority in all Sub-Nos. except 139.

MC 3252 (Sub-116)X, filed April 6, 1981. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Applicant seeks to remove

restrictions in its Sub-Nos. 4, 40, 43, 49, 68, 72, 76, 77, 81, 84, 89, 92, 95, 99, 100F, 103F, and 108F certificates to broaden the commodity descriptions to (1) "general commodities (except classes A and B explosives) from general commodities (with the usual exceptions) in Sub-No. 4; (2) "buildings and building materials" from (a) prefabricated buildings, knocked down, or in sections, beams, arches, and A-frames, and materials, supplies and equipment in Sub-Nos. 40, and 81 (Paragraph 4); (b) pre-cut building in Sub-Nos. 77 (Paragraph 3) and 81 (Paragraph 3); and (c) prefabricated buildings and building and construction materials in Sub-No. 89; (3) "lumber and wood products" from lumber in Sub-Nos. 43 and 49 (Part 2) and "waste on scrap materials not identified by industry producing" from waste products of lumber in Sub-No. 68 (Paragraph 2); (4) "containers" from plastic bottles, and materials, supplies and equipment in Sub-No. 99 and cullet, bottles and cans, for recycling in Sub-No. 103F; (5) "machinery" from paper mill rolls in Sub-No. 72; (6) "metal products" from (a) scrap metals, in bulk in dump vehicles and steel in Sub-No. 92 (Parts 1 and 4); and (b) iron and steel articles in Sub-Nos. 95 (Part 5) and 100F (Part 2); and (7) "machinery machine parts, tanks and commodities which because of size or weight require use of special equipment" from (a) packaged sewage plants and exhaust systems in Sub-No. 84; (b) exhaust systems in Sub-No. 92 (Part 3); (c) paper mill rolls, in trailers specially equipped for the transportation of paper mill rolls, machinery and machine parts, and nuclear power plant components, machinery, tanks, and fabrication in Sub-No. 95; and (d) machinery the transportation of which requires specialized equipment or handling in Sub-No. 108F. Applicant further seeks to (1) remove the "except in bulk" restrictions in Sub-Nos. 95 and 99; (2) replace plantsite restrictions and city-wide authority with authority to serve the county; Biddeford with York County, ME, in Sub-No. 40; South Winham with Cumberland County, ME, in Sub-Nos. 40 and 81; Portland with Cumberland County, ME, in Sub-Nos. 43, 49, 68, 76, 92, 95, and 99; Fryeburg with Oxford County, ME, in Sub-Nos. 43, 49, and 68; Jay with Franklin County, ME, in Sub-Nos. 72 and 95; Kalamazoo with Kalamazoo County, MI, and Appleton with Outagamie County, WI, in Sub-No. 72; East Rutherford with Bergen County, NJ, in Sub-No. 76; Bangor with Penobscot County, ME, in Sub-Nos. 77 and 83; South Portland and Rockland with Cumberland and Knox Counties,

ME, in Sub-No. 84; Auburn with Androscoggin County, ME, in Sub-Nos. 84, and 92; Burlington and White River Junction with Chittenden and Windsor Counties, VT, and Berlin with Coos County, NH, in Sub-No. 89; Middletown and Long Island City, with Orange and Queens Counties, NY, Reading with Berks County, PA, Totowa and Jersey City with Passaic and Hudson Counties, NJ, and Clairborne with Talbot County, MD, in Sub-No. 92; Beloit with Rock County, WI, and Gouverneur and Conklin with St. Lawrence and Broome County, NY, in Sub-No. 95; Augusta with Kennebec County, ME, in Sub-Nos. 95 and 100F; Batavia with Genesee County, NY, Berwick with Columbia County, PA, Jessup with Anne Arundel County, MD, and Gardner with Worcester County, MA, in Sub-No. 99; Bethlehem, Pittsburgh and Homestead, and Northampton and Allegheny Counties, PA, Kearney, Camden, and Saddle Brook with Hudson, Camden and Bergen Counties, NJ, and Sparrow Point with Baltimore County, MD, in Sub-No. 100F; and Nashua with Hillsboro County, NH; (3) change its one-way authorities to radial authorities between points in the eastern parts of the U.S., in Sub-Nos. 77, 81, 84, 89, 92, 40, 43, 49, 68, 76, 95, 99, and 100F; and (4) eliminate the restriction against the transportation of cement originating at Thomaston, ME, in Sub-No. 4.

MC 5623 (Sub-58)X, filed March 27, 1981. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 13, 14, 17, 18, 23, 26, 27, 30, 32, 33, 35, 37F, 39F, 40F, 43F, 45F, 46F, 47F, 49F, 50F, 53F, and 54 certificates to (1) broaden the commodity descriptions to: (a) "metal products" from iron and steel articles or specified metal products in Sub-Nos. 18, 26, 27, 40F, and 50F; (b) "rubber and plastic products" from plastic pipe and plastic tubing in Sub-No. 13; (c) "machinery and transportation equipment" from terminal tractors in Sub-No. 14; (d) "rubber and plastic products, clay, concrete, glass or stone products, metal products," from pipe, tubing, pipe fittings, and pipe accessories and iron and steel articles in Sub-Nos. 17, 49F, and 54; (e) "those commodities which because of their size or weight require the use of special handling or equipment" from air pollution, heating and cooling equipment, and parts and accessories for such commodities in Sub-No. 33; (f) "machinery" from components and materials used in the manufacture or installation of oil well drilling masts and

derricks (except commodities in bulk) in Sub-No. 39F; (g) "lumber and wood products" from lumber in Sub-No. 45F; (h) "rubber and plastic products, clay, concrete, glass or stone products, metal products," from (1) pipe, fittings, valves, hydrants, and castings, in Sub-No. 47F; (i) "clay, concrete, glass, or stone products" from refractories and refractory products in Sub-Nos. 23 and 30; (j) "rubber and plastic products, metal products, machinery," from cooling towers and cooling equipment accessories, components, parts, in Sub-Nos. 32 and 37F; (k) "rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery," from pipe, boiler tubing, and fabricated steel pipe, boilers and boiler parts, including valves, coal crusher-feeders, and burners, fabricated steel weldments, steel castings, and steel plates in Sub-No. 35; and (1) "building materials, metal products, machinery, transportation equipment and materials, equipment, and supplies used in the manufacture, distribution, installation and maintenance of the above commodities from (1) metal buildings and parts (2) off-highway vehicles and parts (3) power plant components, (4) fabricated steel structure and (5) materials, equipment and supplies in Sub-No. 53F (2) broaden the territorial descriptions to county-wide authority: Rogers County, OK, for Port of Catoosa, OK, in Sub-No. 18; Creek and Tulsa Counties, OK, for Mannford and Sand Springs, OK, in Sub-No. 26; Liberty County, TX, for a plantsite in Liberty County in Sub-No. 27; Stark County, OH, for Alliance, OH, in Sub-No. 40F; Allegheny and Beaver Counties, PA, for plantsites at Pittsburgh and Ambridge, PA, in Sub-No. 50F; Houston, TX, for a plantsite at Houston, TX, in Sub-Nos. 13; Gregg County, TX, for Longview, TX, in Sub-No. 14; Morris County, TX, for Lone Star, TX, in Sub-No. 17; Montgomery County, TX, for a plantsite at Conroe, TX, in Sub-No. 49F; Houston, TX, for a plantsite at Houston, TX, in Sub-No. 33; Allegheny County, PA, for a plantsite at Neville Island, PA, in Sub-No. 39F; Caddo Parish, LA, for a plantsite at Shreveport, LA, in Sub-No. 43F; Flathead, Ravalli, and Beaverhead Counties, MT, for Columbia Falls, Darby, and Dillon, MT, in Sub-No. 45F; Rogers County, OK for facilities of Black Fox Nuclear Power Plant in Sub-No. 46; Coshocton County, OH, for Coshocton, OH, Upshur County, WV, for Buckhannon, WV, and Boone County, MO, for Columbia, MO, in Sub-No. 47F; Berks, Huntingdon, and Clearfield Counties, PA for plantsites in the named Counties in Sub-No. 23; Newaygo

County, MI, for a plantsite at White Cloud, MI, Berks, Huntingdon, and Clearfield Counties, PA for plantsites in the named counties in Sub-No. 30; Tulsa, Creek, Waggoner, Rogers, and Osage Counties, OK for Tulsa, OK, in Sub-No. 37F; Erie County, PA, for a plantsite at Erie, PA, and Creek County, OK, for a plantsite at Sapulpa, OK, in Sub-No. 35; and Tulsa County, OK, for a plantsite near Tulsa, OK, in Sub-No. 32 and 53F; (3) broaden the territorial descriptions from one-way service to authorize radial service: Sub-No. 18, between points in Rogers County, OK, and points in 8 States; Sub-No. 26, between points in Creek and Tulsa Counties, OK, and points in 18 States; Sub-No. 27, between points in Liberty County, TX, and points in 13 States; Sub-No. 50F, between points in Allegheny and Beaver Counties, PA, and points in the U.S.; Sub-No. 40F, between Ambridge, Beaver Falls, and Koppel, PA and Stark County, OH, and points in 4 States; Sub-No. 13, between Houston, TX, and points in the U.S.; Sub-No. 14, between points in Gregg County, TX, and points in the U.S.; Sub-No. 17, between points in Morris County, TX, and points in 10 States; Sub-No. 54, between points in Milwaukee County, WI, and points in the U.S.; Sub-No. 33, between Houston, TX, and points in the U.S. in and east of KS, NE, ND, SD, OK, AR, and LA; Sub-No. 39F, between points in Allegheny County, PA, and points in 3 States; Sub-No. 43F, between points in Caddo Parish, LA, and points in the U.S.; Sub-No. 45F, between points in Flathead, Ravalli, and Beaverhead Counties, MT, and points in 24 States; Sub-No. 47F, between points in Coshocton County, OH, Upshur County, WV, and Boone County, MO, and points in and east of ND, SD, NE, KS, OK, and TX; Sub-Nos. 23 and 30, between points in Berks, Huntingdon, and Clearfield Counties, PA, and points in 22 States, and between points in Newaygo County, MI, and points in 21 States; and Sub-No. 35, between points in Erie County, PA, and Creek County, OK, and points in the U.S.; Sub-Nos. 23 and 53F, between Tulsa County, OK, and points in U.S.; (4) remove the "originating at and/or destined to" restrictions in Sub-Nos. 14, 17, 26, 27, 35, 37F, 49F, and 53F, (5) remove the exceptions of "AK and HI" in Sub-Nos. 13, 14, 32, 35, 37F, 43F, 46, 49F, 50F, 53F, and 54; (6) eliminate the except specified commodities restrictions in Sub-No. 17; (7) remove the "except in bulk" and "except commodities in bulk" restrictions wherever they appear in the above numbered certificates; and (8) remove all exceptions except classes A and B

explosives from its general commodities authority and remove restriction limiting service to that moving in mixed loads with size and weight commodities in Sub-No. 43F.

MC 11022 (Sub-2)X, filed April 10, 1981. Applicant: SULLIVAN TRANSFER & STORAGE COMPANY, 301 North 8th Street, Lincoln, NE. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions); (b) "metal products" from wire, fencing, nails, steel, posts, and clamps, and iron and steel products; (c) "textile mill products, and machinery" from binder twine and farm machinery and parts; (d) "petroleum, natural gas and their products" from petroleum products, in containers; and (e) "machinery, those commodities which because of their size or weight require the use of special handling or equipment and building materials" from building contractor's equipment and supplies; (2) replace city with county-wide authority: Lincoln and Grand Island with Lancaster and Hall Counties, NE; Canton with Fulton County, IL; and Pueblo with Pueblo County, CO; and (3) change its irregular route one-way authorities to radial authorities between various combinations of points and states in the midwest.

MC 14582 (Sub-13)X, filed April 6, 1981. Applicant: ELFRINK TRUCK LINES, INC., P.O. Box 92, Advance, MO 63730. Representative: Herman W. Huber, 101 East Jefferson St., Jefferson City, MO 65101. Applicant seeks to remove restrictions in its lead and Sub-No. 12 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to general commodities (except classes A and B explosives) in its lead and Sub-No. 12; (2) serve all intermediate points on its regular routes between (a) Advance, MO, and St. Louis, MO, (b) Dudley, MO, and National Stock Yards, IL, (c) St. Louis, MO, and Cape Girardeau, MO, (d) junction U.S. Hwy 61 and MO Hwy 51 at Perryville, MO and junction U.S. Hwys. 61 and 67 near Festus, MO, (e) Cape Girardeau, MO, and Scott City, MO (f) Bloomfield, MO, and Dexter, MO, in its lead, (g) St. Louis, MO, and Cape Girardeau, MO, (h) junction IL Hwys. 3 and 146 and junction IL Hwy 3 and 51 in its Sub-No. 12 certificate; and (3) remove restrictions (a) against traffic moving from, to, or through St. Louis MO, in its lead, sheet

3; (b) limiting traffic to that moving radially from, to, or through Cape Girardeau, Scott City, and St. Louis, MO and (c) against service at Cape Girardeau, Scott City and Dexter, MO, and their commercial zones in its lead, sheet 4.

MC 45918 (Sub-3)X, filed April 1, 1981. Applicant: D. SABATELLI, INC., 630 S. Ridley Creek Road, Media, PA 19063. Representative: Anthony J. Sabatelli (same address as above). Applicant seeks to remove restrictions in its lead certificate to: (1) broaden the commodity descriptions from (a) crushed stone and gravel, and prepared bituminous road surfacing materials, to "construction and road materials and clay, concrete, glass, and stone products" in the lead; (b) road and building contractors' materials; equipment and supplies, including specific named commodities to "building materials; commodities in bulk; machinery, equipment, and supplies; metal products" in the lead and Sub-No. 1; (2) replace specific point authority with county-wide authority as follows: Glen Mills, and Chester, PA, with Delaware County, PA; that part of NJ within 10 miles of City Hall, Camden, NJ with Camden County, NJ; (3) expand its one-way authority to radial authority between Delaware County, PA, and described portions of DE and NJ and Camden County, NJ.

MC 60190 (Sub-5)X, filed April 8, 1981. Applicant: ACTIVE MOVING & STORAGE CO., INC., P.O. Box 9217, Seattle, WA 98109. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", and (2) replace its cities with county-wide authority (a) points within 3 miles of Seattle, WA, including Seattle, with King, Kitsap, and Snohomish Counties, WA, and (b) points within 3 miles of Portland, OR, including Portland, with Clackamas, Multnomah, and Washington Counties, OR.

MC 64373 (Sub-13)X, filed April 13, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in Sub-No. 1 certificate to broaden the commodity description from textile machinery and parts, and materials, supplies and equipment, and used or second-hand machinery to "commodities which, because of size or weight require the use



of special handling or special equipment."

MC 70557 (Sub-49)X, filed April 13, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 4F, 6F, 7F, 10F, 11F, 12F, 14F, 17F, 18F, 22F, 23F, 24F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, 37F, 38F, and 39F certificates to broaden the commodity descriptions to (1) "building materials" from ceiling systems, insulation boards, and materials and supplies used in the installation thereof in Sub-No. 3F and building board, wall board, and insulating board, and materials and supplies used in the installation of these commodities in Sub-No. 4F; (2) "pulp, paper and related products, metal products, and clay, concrete, glass or stone products" from paper, paper products, containers, and container components (except metal containers, components of metal containers, in tank and hopper containers) in Sub-No. 7F; (3) "food and related products" from: canned and preserved foodstuffs in Sub-No. 10F; malt beverages in Sub-No. 17F; foodstuffs (except frozen or not frozen) in Sub-Nos. 22F, 23F, and 24F; carbonated beverages (non-alcoholic) and equipment, materials, and supplies used in the manufacture of such beverages, and flavoring compounds and beverage concentrates in Sub-No. 25F; non-alcoholic carbonated beverage and equipment, materials, and supplies used in the manufacture of non-alcoholic carbonated beverages in Sub-No. 12F; and non-alcoholic carbonated beverages in Sub-Nos. 30F and 35F (and soft drinks); (4) "furniture and fixtures, forest products, and machinery" from paper and paper products, furniture, wood pulp, electric lighting fixtures in Sub-No. 11F; (5) "clay, concrete, glass or stone products" from: ground clay and crude clay and floor sweeping compounds and absorbents in Sub-No. 26F; clay and clay products, and materials, equipment and supplies used in the manufacture and distribution of clay and clay products in Sub-No. 37F; clay, crushed or ground, in bags in Sub-No. 29F; and glass containers and materials, equipment and supplies used in the manufacture of these commodities in Sub-No. 33F; (6) "metal products, clay, concrete, glass or stone products, rubber and plastic products, and pulp, paper and related products" from containers, container accessories, and sprayers in Sub-No. 32F; (7) "machinery" from batteries and accessories and supplies therefor in

Sub-No. 34F; and (8) "pulp, paper and related products, and rubber and plastic products" from paper and paper products, and plastic articles and containers in Sub-No. 38F. Applicant further seeks to (1) remove the "except commodities in bulk" restrictions and "except AK and HI" restrictions wherever they appear in the above named certificates; (2) change its one-way authorities to radial authority between named points throughout the U.S. in Sub-Nos. 3F, 4F, 7F, 10F, 14F, 17F, 25F (portion), 29F, 30F, 33F, and 36F (portion); (3) remove the "except frozen commodities" restriction in Sub-No. 28F; (4) remove the plantsite restrictions in Sub-Nos. 3F, 4F, 6F, 7F, 10F, 12F, 14F, 17F, 18F, 22F, 23F, 24F, 25F, 26F, 27F, 29F, 31F, 32F, 33F, and 34F; and (5) replace some cities with county-wide authority: Pensacola with Escambia County, FL in Sub-Nos. 3F and 4F; Cantonment with Escambia County, FL in Sub-Nos. 6F, 18F, and 39F; Greenville with Greenville County, SC in Sub-No. 10F; Albany with Dougherty County, GA in Sub-No. 17F; Greenville with Washington County, MS in Sub-Nos. 22F and 24F; Millsboro with Sussex County, DE in Sub-Nos. 23F and 24F; Bridgeport, Inlay City and Memphis with Saginaw, Lapeer, and St. Clair Counties, MI in Sub-No. 24; Birmingham with Jefferson County, AL, Eustis with Lake County, FL, and Charlotte with Mecklenburg County, NC in Sub-No. 25F; Middleton with Hardeman County, TN in Sub-No. 26F; Canton with Madison County, MS in Sub-No. 27F; Dothan with Houston County, AL, Cotler with Baxter County, AR, Burnside with Pulaski County, KY, Byhalia with Marshall County, MS; Belle with Marries County, MO, Jacksonville with Cherokee County, TX, and Parson with Tucker County, WV in Sub-No. 28F; Winnsboro with Franklin Parish, LA in Sub-No. 30F; St. Mary's with Camden County, GA in Sub-No. 31F; Homerville, Valdosta and Morrow with Clinch, Lowndes, and Clayton Counties, GA, and PISCAYNE with Pearl River County, MS in Sub-No. 32F; Henryetta with Okmulgee County, OK, Terre Haute with Vigo County, IN, and Warner Robins with Houston County, GA in Sub-No. 33F; Allentown with Le High County, PA, Burlington with Des Moines County, IA, Columbia and Sumter with Richland and Sumter Counties, SC, Texarkana with Bowie County, TX, Fairfield with Fairfield County, CT, Beech Grove and Indianapolis with Marion County, IN, San Jose, with Santa Clara County, CA, Spokane with Spokane County, WA, Richmond with Madison County, KY, Wausau and Racine with Marathon and Racine Counties, WI, and Clark and

Trenton with Union and Mercer Counties, NJ in Sub-No. 34F; Olmsted with Pulaski County, IL and Paris with Henry County, TN in Sub-No. 37F; and Ferguson with Perry County, MS and Sheldon and Herly with Harris and Angelina Counties, TX in Sub-No. 39.

MC 98255 (Sub-6)X, filed April 9, 1981. Applicant: LAWRENCEBURG TRANSFER, INC., U.S. Hwy 127 North, P.O. Box 220, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 3F certificates to (1) broaden the commodity descriptions (a) from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" and from used whiskey barrels to "barrels" in Sub-No. 2; and (b) from electric motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories for machinery and controller, tele-communication equipment and parts and accessories, and castings or forgings to "machinery and metal products" in Sub-No. 3F; (2) serve all intermediate points on its regular routes between Louisville, KY and Grafenburg, KY in Sub-No. 2; (3) remove facilities limitations at Lawrenceburg, KY and Columbus, IN, in Sub-No. 3F; (4) replace Lawrenceburg, KY, with Anderson County, KY in Sub-Nos. 2 and 3F, and Columbus, IN, with Bartholomew County, IN in Sub-No. 3F; and (5) replace one-way with radial authority between Anderson County, KY, and Cincinnati, OH in Sub-No. 2 and between Anderson County, KY and Columbus County, IN, in Sub-No. 3F.

MC 11231 (Sub-362)X, filed April 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 95, 116, 202, 205, 256, and 310F certificates to (1) broaden the commodity descriptions from fencing, fencing material, wire and wire products to "lumber and wood products and metal products" in Sub-No. 202, from bromine chloride to "chemicals and related products" in Sub-No. 310F; (2) remove facilities limitations at Oklahoma City, OK in Sub-No. 95, at Van Buren, AR, in Sub-No. 202, in Warren County, MS, in Sub-No. 256, and in Columbia County, AR in Sub-No. 310; (3) replace one-way with radial authority between Oklahoma City, OK, and IA and WI in Sub-No. 95, between Oklahoma City, OK and AR in Sub-No. 116, between Van Buren, AR and 15

southern and midwestern states in Sub-No. 202, between Baton Rouge, LA, and AR in Sub-No. 205, and between Warren County, MS, and AR, IL, IN, KS, MO, OH and TX in Sub-No. 256F (4) remove originating at restrictions in Sub-Nos. 95 and 256F (5) remove the "mixed load" restriction in Sub-No. 95, and (6) remove the AK and HI exception in Sub-No. 310F. Applicant intends to tack authorities in Sub-Nos. 95, 116, 202, 205, 265F and 310F with its regular-route authority.

Note.—The carrier's authority to tack will be governed by 49 CFR 1042.

MC 115279 (Sub-10)X, filed April 13, 1981. Applicant: CLICK MESSENGER SERVICE, INC., 347 Lincoln Avenue East, Cranford, NJ 07016. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) broaden the commodity description from general commodities (with exceptions including the transportation of cash letters) to "general commodities (except classes A and B explosives)"; (2) eliminate restriction to shipments transported in automobiles; and (3) eliminate the restriction against transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor at one location to one consignee at one location at any one time.

MC 117883 (Sub-275)X, filed February 25, 1981, previously noticed in the Federal Register of March 17, 1981, republished as corrected this issue. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Box 62, Versailles, OH 43580. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-Nos. 2, 12, 77, 139, 184, 185, 233F, 234F, and 266F certificates to (1) broaden the commodity descriptions from: (a) washing machines and laundry equipment, sheet 3, and farm machinery, implements, and equipment, sheet 4, to "machinery" in Sub-No. 2 (b) flat glass, sheet 6, glass, glass ware, and glass containers, sheet 9, in Sub-No. 2, glass in Sub-Nos. 12 and 185, and brick, brick products in Sub-No. 266F to "clay, concrete, glass or stone products"; (c) dairy products, sheet 7, meats, meat products, and meat by-products, sheet 8, and foods and foodstuffs, sheet 11, to "food and related products" in Sub-No. 2, (d) petroleum and petroleum products, and lubricating oils and greases, and carbons, gum and sludge removing compounds to "petroleum, natural gas

and their products and chemicals and related products" in Sub-No. 77, (e) alkalis, sheet 1, to "chemicals and related products" rubber articles, sheet 2, to "rubber and plastic products", and tinplate, metal lockers, and metal shelving to "metal products and furniture and fixtures" in Sub-No. 139, and (f) paper and paper products and products produced or distributed by manufacturers and converters of paper and paper products to "such commodities as are dealt in or distributed by manufacturers and converters of paper and paper products" in Sub-No. 184; (2) expand territorial descriptions from plantsite facilities or point authorities to counties: (a) Greenville to Darke County, OH, and Dayton to Montgomery County, OH sheet 2, Bellevue to Huron County, OH, Knightstown to Henry County, IN, Sterling to Whiteside County, IL and Chicago Heights to Chicago, IL, sheet 4, Clarksburg to Harrison County, WV, sheets 2, 6, and 9, Covington to Miami County, OH, sheet 7, Columbus to Bartholomew County, IN, Terre Haute to Vigo County, IN, and Danville to Vermilion County, IL, sheet 8, Grafton to Taylor County, WV, sheet 9, and Champaign to Champaign County, IL, sheet 11, in Sub-No. 2, (b) Charleston to Kanawha County, WV in Sub-No. 12, (c) Oil City, Reno, and Rouseville to Venango County, PA and Warren to Warren County, PA in Sub-No. 77, (d) Barborton and Akron to Summit County, OH and Canton to Stark County, OH, sheets 1 and 2, in Sub-No. 139, (e) West Carrollton to Montgomery County, OH in Sub-No. 184, (f) Jerry Run to Taylor County, WV in Sub-No. 185, (g) Hamilton to Butler County, OH in Sub-No. 233F; and (h) Cheswick to Allegheny County, PA in Sub-No. 266F; (3) replace one-way authority with radial authority between (a) points in IL, IN, WI, MI and Harrison County, WV, sheet 2, Chicago, IL and Darke and Montgomery Counties, OH and Columbus, OH, sheet 3, Harrison County, WV and Detroit, MI, Harrison County, WV and points in IN and IL, sheet 6, Bartholomew and Vigo Counties, IN, Vermilion County, IL and points in CT, DE, ME, MD, MA, NH, NJ, RI, VT, VA, WV, and DC (with exceptions) sheet 8, Harrison and Taylor Counties, WV and points in WI, sheet 9, and Champaign County, IL and points in IA, IN, KY, MI, MN, MO, NE, and WI and points in IL and points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VT, VA, WV, and DC, sheet 11, in Sub-No. 2; (b) Kanawha County, WV, points in PA and points in WI in Sub-No. 12; (c) Venango and Warren Counties, PA and points in IL, IN, and MI in Sub-No. 77;

(d) Summit and Stark Counties, OH and Chicago, IL, sheet 1 and 2, in Sub-No. 139; (e) Dayton and Montgomery Counties, OH and Clinton and Des Moines, IA, St. Louis, MO and points in those parts of IL and IN in Sub-No. 184; (f) Cincinnati, Butler County, and Middletown, OH and points in 23 named states and DC in Sub-Nos. 233F and 234F; and (g) Allegheny County, PA and points in IL in Sub-No. 266F; and (4) remove the restrictions (a) "except in bulk" sheet 11, Sub-No. 2; (b) "originating at and destined to" in Sub-Nos. 2, 184, 185, 233F, 234F and 266F; (c) "other than in bulk, in tank vehicles" in Sub-Nos. 233F and 234F; and (e) "in refrigerated equipment" and against interlining at Versailles, OH, sheet 7, Sub-No. 2. The purpose of this republication is to change in part (2)(a) the territorial expansion of Chicago Heights, IL to Chicago, IL, corrected from Cook County, IL, for Sub-No. 2, sheet 4.

MC 117883 (Sub-278)X, filed April 9, 1981. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 43580. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 273 certificate, which authorizes service between points in 24 States and DC, to broaden the commodity descriptions to "food and related products" from foodstuffs (except in bulk), and meats, meat products and by-products, and articles distributed by meat packinghouses (except foodstuffs, hides, and commodities in bulk).

MC 119741 (Sub-297)X, filed April 14, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove a restriction in its Sub-No. 280F certificate to change one-way to radial authority between points in the U.S. and, points in Webster County, IA.

MC 119765 (Sub-96)X, filed April 13, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27 Street, Omaha, NE 68107. Representative: Arlyn L. Westergren Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 53F, 66F, 67, and 77F to (1) remove all exceptions in its general commodities authority "except classes A and B explosives" in Sub-No. 53F; (2) eliminate the "in vehicles equipped with mechanical refrigeration restrictions" in Sub-Nos. 53F and 67F; (3) remove except commodities in bulk and/or in vehicles

restrictions in Sub-Nos. 66F and 67F; (4) remove the restrictions limiting service to the transportation of traffic originating at and destined to named points in Sub-Nos. 66F and 67F; (5) remove the limitations and replace with city-wide authority to serve Chicago, IL in Sub-Nos. 53F, 66F, 67F, and 77F; and (6) change its one-way authorities to radial authorities between Chicago, IL, and, points in the central and eastern parts of the U.S.

MC 120737 (Sub-89)X, filed April 13, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 74F certificate to (1) remove an in bulk commodity exception; (2) delete the exceptions of service to AK and HI; and (3) authorize Kent County, MO, for Grandville, MI.

MC 121332 (Sub-6)X, filed April 13, 1981. Applicant: STEVE J. DUNNE CARTAGE, INC., 2005 W. 43rd Street, Chicago, IL 60609. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to: (1) broaden the commodity description by removing all restrictions in its general commodity authority, "except classes A and B explosives"; (2) remove the restriction limiting service to traffic originating at or destined to the facilities of a named shipper in part (3) and (3) remove the restriction against transporting iron and steel from points in IN within the commercial zone of Chicago, IL, in connection with its authority between Chicago, IL, and points in IL in part (2).

MC 121336 (Sub-10)X, filed April 13, 1981. Applicant: SUPERIOR FAST DRAYAGE, d.b.a. SUPERIOR EXPRESS, 611 North Mission Rd., Los Angeles, CA 90033. Representative: Michael J. Stecher, 256 Montgomery St., 5th Flr., San Francisco, CA 94104. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6F, 8F and 9F certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) eliminate the facilities limitation and the "originating at or destined to" restriction in Sub-No. 5; and (3) remove the restriction limiting service to the transportation of traffic moving on bills of lading of freight forwarders in each certificate.

MC 121568 (Sub-83)X, filed April 3, 1981. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 100906, Nashville, TN 37210. Representative: Warren A. Goff,

2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 33F, 40F, 48F, 49F, 50F, 56F, 58F, 59F, and 67F certificates to (1) broaden the commodity descriptions (a) from automotive parts, and automotive body parts, automotive accessories and materials, supplies and equipment used in the manufacture and distribution thereof (except in bulk) in Sub-No. 33F and automobile gear parts and materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk) in Sub-No. 40F to "transportation equipment and materials equipment, and supplies used in the manufacture and distribution thereof"; (b) from general commodities (with exceptions) in Sub-Nos. 48F, 49F, 50F, 56F, 59F, and 67F, to "general commodities (except classes A and B explosives)" and (c) from athletic goods and equipment to "miscellaneous products of manufacturing" in Sub-No. 58F; (2) replace (a) Ripley, TN, with Lauderdale County, TN, and Portageville County, MO, with New Madrid County, MO, in Sub-No. 33F; (b) Henderson, KY, with Henderson County, KY, Evansville, IN, with Vanderburg County, IN, and Humboldt, TN, with Gideon County, TN, in Sub-No. 40F; and (c) Brownsville, TN, with Haywood County, TN, Indianola, MS, with Sunflower County, MS, Cleveland and Strongsville, OH with Cuyahoga County, OH, Shelby, OH with Richland County, OH, Willard, OH, with Huron County, OH, and East Liverpool, OH with Columbiana County, OH, in Sub-No. 50F; and (3) remove the exceptions of AK and HI from its nationwide authority in Sub-Nos. 48F, 49F, 50F, 56F, and 67F.

MC 125853 (Sub-6)X, filed April 13, 1981. Applicant: TOWNE AIR FREIGHT, INC., Michiana Regional Airport, South Bend, IN 46626. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-No. 3 and 5 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 5; (2) eliminate various airport facilities limitations at Chicago, IL, and South Bend, IN to authorize city-wide authority in each certificate; and (3) remove the "ex-air" restriction in each certificate, and the restriction "when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation" in Sub-Nos. 3.

MC 129863 (Sub-9)X, filed April 13, 1981. Applicant: FREDERICK L. BULTMAN, INC., 11144 West Silver Spring Drive, Milwaukee, WI 53225. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-No. 7 permit to (1) broaden the commodity description from electric light bulbs, fluorescent tubes and display racks, and returned shipments of the commodities thereof, to "such commodities as are dealt in or used by a manufacturer of electric light bulbs and fluorescent tubes"; and (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 133585 (Sub-22)X, filed April 3, 1981. Applicant: TRUE TRANSPORT, INC., 15 Stockton St., Newark, NJ 07101. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. Applicant seeks to remove restrictions in its Sub-Nos. 9, 14F, 17F, 18F, and 20F certificates to (1) remove exceptions to general commodities (except classes A and B explosives) in Sub-Nos. 9, 17F, 18F, and 20F; (2) remove restrictions requiring traffic (a) to move in containers or trailers in Sub-Nos. 9 and 18F, (b) to have prior or subsequent movements by water in Sub-Nos. 9, 14F, 17F, 18F, and 20F, and (c) to move in foreign commerce only in Sub-No. 14F; and (3) replace one-way with radial authority, (a) between Mechanicsburg, New Cumberland, and Chambersburg, PA, and Baltimore and Philadelphia, PA, in Sub-No. 9 and (b) between Windsor, VT, and New York, NY, in Sub-No. 14F.

MC 135607 (Sub-3)X, filed April 10, 1981. Applicant: VANCOUVER AIRLINE CARTAGE (1904) LTD., P.O. Box 2133, Vancouver, B.C. Canada V6B 3T8. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Applicant seeks to remove restrictions in its Sub-No. 1 and 2F certificates to (a) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) remove the airport facilities limitation at Seattle, WA, in the regular-route authority in Sub-No. 1; (3) expand the specific port of entry at Blaine, WA, to all ports of entry in WA, in Sub-No. 2F irregular-route authority; (4) change city-wide to county-wide authority from Blaine to Whatcom County, WA, in Sub-No. 2F; and (5) remove the "ex-air" restriction in Sub-No. 1 and 2F and the restriction against traffic moving in foreign commerce in Sub-No. 2F.

MC 136343 (Sub-234)X, filed April 13, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Stan C. Geist (same address as above). Applicant seeks to remove restrictions in its Sub-No. 218F certificate to change the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)".

MC 138805 (Sub-11)X, filed April 6, 1981. Applicant: S & L SERVICES, INC., R.D. #1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K Street, NW, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5F, 7F, and 9F certificates to (1) broaden the commodity descriptions from malt beverages (except in bulk), in Sub-No. 2, foodstuffs (except in bulk), and materials, equipment and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk) in Sub-No. 5F, foodstuffs (except in bulk) and such commodities as are used in the manufacture of foodstuffs (except commodities in bulk) in Sub-No. 7F, and from foodstuffs and materials, equipment and supplies used in the manufacture and distribution of foodstuffs in Sub-No. 9F, to "food and related products and materials, equipment and supplies used in the manufacture and distribution thereof" (2) remove facilities limitations at Milton, PA, in Sub-Nos. 5F and 7F; (3) replace Milton, PA with Northumberland County, PA, in Sub-Nos. 5F and 7F; (4) replace one-way with radial authority (a) between Columbus, OH and PA (except 5 counties) in Sub-No. 2, (b) between Northumberland County, PA, and CT, NJ, and NY in Sub-No. 5F, and (c) between Northumberland County, PA and 11 eastern States in Sub-No. 7F.

MC 139822 (Sub-8)X, filed April 9, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden the commodity description from animal, poultry, and fish feed, corn products (except in bulk), materials and supplies used in the manufacture, sale and distribution of feed and corn products (except commodities in bulk, in tank vehicles) to "food and related products"; and (2) eliminate the facilities limitations at Birmingham and Decatur, AL, and Springfield, TN, and change city-wide to county-wide authority from Birmingham and Decatur to Jefferson

and Morgan Counties, AL, and Springfield to Robertson County, TN, and authorize radial authority for one-way authority between Jefferson and Morgan Counties, AL, and Robertson County, TN, and, points in 20 States.

MC 142559 (Sub-165)X, filed February 17, 1981, previously noticed in the Federal Register of March 9, 1981, republished as corrected this issue. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 20, 23, 24, 25, 27, 28, 31, 32, 34, 35, 36, 37, 41, 42, 44, 45, 46, 47, 50, 51, 53, 57, 58, 60, 63, 64, 65, 68, 69, 70, 71, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, certificates to (1) broaden the commodity description from (a) household appliances and equipment, materials and supplies, water heaters, and equipment, materials and supplies, audioelectric products, personal care appliances, etc. to "machinery and materials, equipment, and supplies used in the manufacture and distribution of machinery" in Sub-Nos. 1, 25, 31F, 85F, 96F, 108F, 131F, and 151F; (b) household appliances, scales, motors, telecommunication equipment, overhead door sections, welding systems, plumbing supplies, elevators, etc. to "machinery" in Sub-Nos. 8F, 9F, 11F, 13F, 44F, 71F, 76F, 86F, 102F, 106F, and 109F; (c) tires, tubes, plastic articles, rubber, plumbing supplies, plastic carpeting, carpet cushions, poles, etc. to "rubber and plastic articles" in Sub-Nos. 3, 9F, 23F, 44F, 50F, 51F, 69F, 83F, 110F, 115F, 132F, and 143F; (d) wheels, shock absorbers, automotive supplies and accessories, bicycles and bicycle parts, etc. to "transportation equipment" in Sub-Nos. 3, 9F, 42F, 70F, and 114F; (e) air conditioners, air coolers, heating equipment, furnaces, etc. to "such commodities as are used in the manufacture, distribution, and sale of heating and cooling systems" in Sub-Nos. 4, 36F, and 133F; (f) agricultural lime, gypsum, glass containers, hot tops, glazed clay tiles, carpet moulding, television picture tube products, plumbing fixtures, etc. to "clay, concrete, glass, or stone products" in Sub-Nos. 6, 7F, 28F, 41F, 44F, 73F, 107F, 110F, and 154F; (g) furniture parts and materials, equipment and supplies to "furniture and fixtures" in Sub-No. 10F; (h) paper, wrappers, labels, paper bags, carpet underlay, etc. to "pulp, paper, and related products" in Sub-Nos. 14F, 20F, 23F, 27F, 47F, 64F, 65F, 77F, 83F, 84F,

104F, and 132F; (i) malt Beverages, animal feed, flavoring syrup, foodstuffs to "food and related products" in Sub-Nos. 24, 32F, 35F, 57F, 58F, 60F, and 99F; (j) new furniture, fireplace logs, poles, charcoal briquettes, overhead door sections, carpet strip and moulding, etc. to "lumber and wood products" in Sub-Nos. 9F, 25, 45F, 102F, and 110F; (k) personal care products, chewing gum, cough drops, and candies to "such commodities as are dealt in by drug stores" in Sub-No. 34; (l) fuel additives, glass cleaners, fertilizer, adhesives, welding compounds, soap, disinfectant, plastic flakes, solvents, etc. to "chemicals and related products" in Sub-Nos. 37F, 46F, 74F, 106F, 107F, and 110F; (m) charcoal briquettes to "coal and coal products" in Sub-No. 45F; (n) sporting goods, games, toys, and athletic clothing to "miscellaneous products of manufacturing" in Sub-No. 53F; (o) knocked down buildings and building parts to "buildings and building materials and parts" in Sub-No. 63F; (p) lubricant additives, oil conditioners, etc. to "petroleum, natural gas, and their products" in Sub-Nos. 37F and 74F; (q) marble chips to "ores and minerals" in Sub-Nos. 46F; (r) life preservers to "instruments and photographic goods" in Sub-No. 53F; (s) wearing apparel, burlap, carpet to "textile mill products" in Sub-Nos. 83F, 111F, and 132F; valves, foil, picture tube products, roof capping, welding supplies, fireplaces, overhead door sections and parts, plumbing fixtures, etc. to "metal products" in Sub-Nos. 9F, 13F, 14F, 41F, 44F, 73F, 102F, 106F, 107F, and 109F, and (t) general commodities (with exceptions) to "general commodities except classes A and B explosives" in Sub-No. 146F; (2) authorize radial authority in place of existing one-way service in Sub-Nos. 3, 4, 6, 7, 8, 9, 10, 13, 14, 20, 23, 24, 25, 27, 28, 31, 34, 36, 37, 42, 44, 45, 46, 50, 51, 53, 63, 71, 73, 76, 83, 146; (3) eliminate restrictions against service to AK, HI, in some instances and the origin State, where service is authorized to points in the U.S. in Sub-Nos. 1, 4, 32, 36, 50, 57, 63, 69, 70, 74, 84, 85, (4) delete the originating at and/or destined to named origins in Sub-Nos. 1, 3, 14, 25, 32, 34, 47, 50, 57, 58, 60, 64, 65, 77, 83, 84, 106, 108, 109, (5) remove the exceptions of "in bulk, in tank vehicles, those requiring special equipment" or other similar restrictions in Sub-Nos. 1, 4, 6, 13, 25, 32, 35, 36, 37, 41, 44, 46, 47, 50, 51, 57, 58, 60, 64, 65, 68, 69, 72, 73, 74, 76, 77, 83, 84, 85, 96, 99, 102, 104, 106, 107, 108, 109, 110, 111, 114, 115, 131, 132, 133, 143, 146, 151, 154, (6) replace city wide with county-wide authority: Barry County for Middleville, MI, in Sub-No. 1;

Montgomery County for Montgomery, PA, in Sub-No. 3; Breckenridge County for Irvington, KY, in Sub-No. 6; Ashtabula County for Conneaut, OH, in Sub-No. 7; Richland and Summit Counties, OH, for Mansfield and Barberton, OH, and Hancock County for Newell, WV, in Sub-No. 9; Ellis County for Ennis, TX, and Shelby County for Simpsonville, KY, in Sub-No. 10; Middlesex County for Edison, NJ, in Sub-No. 11; Washington County for Hartford, WI, Scranton County for Old Forge, PA, Pulaski and Craighead Counties, AR, for Jacksonville and Jonesboro, AR, Hall County for Gainesville, GA, Allen County for Fort Wayne, IN, Wilkes County for Wilkesboro, NC, Coshocot County for West Lafayette, OH, in Sub-No. 13; Buncombe County for Asheville, NC, Cuyahoga County for Chagrin Falls, OH, in Sub-No. 14; Bergen County, NJ, for Elmwood Park, NJ, in Sub-No. 20; Panola and Gregg Counties for Carthage and Gladwater, TX, in Sub-No. 23; Houston County for Pabst, GA, in Sub-No. 24; Kankakee County for Kankakee, IL, McMinn County for Athens, TN, Rusk County for Henderson, TX, Cheatham County for Ashland City, TN, in Sub-No. 25; Mobile County for Mobile, AL, Cumberland County for Westbrook, ME, Washington County for Fort Edward, NY, in Sub-No. 27; Vigo County for Terre Haute, IN, Monmouth County for Cliffwood, NJ, Houston County for Warner Robins, GA, Scott County for Shakopee, MN, in Sub-No. 28; Coles County for Mattoon, IL, Reno County for Hutchinson, KS, in Sub-No. 32, New Haven County for Orange, CT, Lancaster County for Lititz, PA, in Sub-No. 34; Oneida County for Utica, NY in Sub-No. 36; Worcester County for Worcester, MA, Gloucester County for Paulsboro, NJ, in Sub-No. 37; Pickaway County for Circleville, OH and Scranton County for Dunmore, PA, in Sub-No. 41; Hunterdon County for Flemington, NJ, Fairfield County for Winnsboro, SC, and Wayne County for Dearborn, MI, in Sub-No. 42; Knox County for Abingdon, IL, and Crawford County for Robinson, IL, in Sub-No. 44; Marion County for Marion, IL, in Sub-No. 45; Lancaster County for Lancaster, PA, Sussex County for Newton, NJ, and Crawford County for Crestline, OH, in Sub-No. 46; Wayne and Lake Counties for Rittman and Mentor, OH, in Sub-No. 47; Polk and Bartow Counties for Cedartown, Rockmart and Cartersville, GA, and Morgan and Jackson Counties for Decatur and Scottsboro, AL, in Sub-No. 50; Macomb and Wayne Counties for Deaborn and Warren, MI in Sub-No. 51; Ashland and Lorain Counties for

Ashland and Wellington, OH, in Sub-No. 53; Smith County for Lindale, TX, in Sub-No. 57; Montgomery County for Canajoharie, NY, in Sub-No. 58; Middlesex County for Lowell, MA, in Sub-No. 60; Warren and Pascagoula Counties for Redwood and Moss Point, MS, Mobile County for Mobile, AL, and Georgetown County for Georgetown, SC, in Sub-No. 64; Ouachita and Jefferson Counties for Camden and Pine Bluff, AR, Webster County for Springhill, LA, and Adams County for Natchez, MS, in Sub-No. 65; Union County for Marysville, OH, in Sub-No. 68; Dallas County for Irving, TX, in Sub-No. 69; Dade County for Miami, FL, DuPage County for Bensenville, IL, Los Angeles County for Long Beach, CA, and Erie County for Buffalo, NY, in Sub-No. 70; Lackawanna County for Scranton, PA, in Sub-No. 73; Summit County for Barberton, OH in Sub-No. 74; Anderson County for Lawrenceburg, KY, St. Joseph County for Mishawaka, IN, Greenville and Spartanburg Counties for Greenville and Sortanburg, SC, Hawkins County for Rogersville, TN, Columbiana County for Columbiana, OH, in Sub-No. 76; Hampden County for Holyoke, MA, Coles County for Mattoon, IL, and Tarrant County for Grapevine, TX, in Sub-No. 77; Mercer County for Trenton, NJ, Marion County for Columbia, MS, and Bedford County for Shelbyville, TN in Sub-No. 83; Worcester County for Gardner, MA, in Sub-No. 84; Morgan County for Decatur, AL, in Sub-No. 85; Coffee County for Douglas, GA, in Sub-No. 99; Butler County for Hamilton, OH in Sub-No. 104; La Puente and Los Angeles Counties for City of Industry and Santa Fe Springs, CA, in Sub-No. 106; Orange County for Fullerton, CA and Obion County for Union City, TN, in Sub-No. 107; San Bernadino County for Ontario, CA, Monroe County for Brockport, NY, Randolph County for Asheboro, NC, Lehigh County for Allentown, PA, in Sub-No. 108; McLennan County for Waco, TX, Montgomery County for Dayton, OH, La Puente and Imperial Counties for City of Industry and Calexico, CA, in Sub-No. 110; El Paso; County for El Paso, TX, in Sub-No. 111; Le Sueur County for Waterville, MN, in Sub-No. 114; Wood County for North Baltimore, OH, in Sub-No. 115; Middlesex County, for Edison, Woodbridge, Avenel and Metuchen, NJ, in Sub-No. 131; Wilmington County for Stanton, DE, in Sub-No. 132; Smith County for Tyler, TX, in Sub-No. 133; Howard County for Big Springs, TX, Calcasieu County for Lake Charles, LA in Sub-No. 143; Chesterfield County for McBee, SC, in Sub-No. 151; and Anderson County for Lawrenceburg, KY,

in Sub-No. 154. The purpose of this republication is to more accurately reflect the commodity broadenings in part (1) requested by applicant.

MC 143720 (Sub-6)X, filed April 6, 1981. Applicant: AIRFREIGHT SERVICES, INC., 3 Choice Road, Windsor Locks, CT 06096. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 4F certificates to (1) remove all exceptions in its general commodities authority except classes A and B explosives in both certificates; (2) remove the restriction limiting service to the transportation of traffic having a prior or subsequent movement by air in both certificates; and (3) expand territorial authority from Bradley International Airport at Windsor Locks, to Hartford County, CT, in Sub-No. 2 and from JFK International Airport and LaGuardia Airport at New York to New York, NY, in Sub-No. 4F.

MC 144743 (Sub-2)X, filed April 9, 1981. Applicant: CHARLES M. SWINFORD, d.b.a. SWINFORD TRUCKING, P.O. Box 85, Cynthiana, KY 41031. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (A) remove all restrictions in its general commodities authority "except classes A and B explosives," and (B) broaden the territorial descriptions to authorize service at all intermediate points: lead certificate, on routes (4) and (5) between Owingsville, KY and Lexington, KY, and between junction U.S. Hwys 68 and 27 and junction U.S. Hwy 68 and KY Hwy 36; and Sub-No. 1, on routes (2) and (3) between Cynthiana, KY and Cincinnati, OH, and between Lexington, KY and Cincinnati, OH.

MC 145974 (Sub-12)X, filed April 10, 1981. Applicant: HIDATCO, INC., P.O. box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 5F, 6F, 7F, 8F, and 9F permits to broaden its territorial authority to between points in the U.S. under continuing contract(s) with named shippers, in all of the above sub numbers.

MC 146677 (Sub-5)X, filed April 8, 1981. Applicant: GRANNY'S EXPRESS, INC., 2101 Ross Ave., Norwood, OH 45212. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions)

to "general commodities (except classes A and B explosives)" between Cincinnati, OH and IL, IN, MI, KY (with exceptions), OH, TN (with exceptions), and WV; and (2) remove a restriction requiring prior or subsequent movement by rail.

MC 146703 (Sub-31)X, filed April 14, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW, Washington, DC 20006. Applicant seeks to remove restrictions from its Sub-No. 11 certificate to (1) replace the facilities limitation in Shelby County, TN with Shelby County, TN, and (2) broaden the commodity description from foodstuffs to "food and related products".

MC 150001 (Sub-3)X, filed April 13, 1981. Applicant: AMERICAN TRANSPORT LINES, INC., Suite B 121, 4126 Pleasantdale Road, Doraville, GA 30340. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. Applicant seeks to remove a restriction in its Sub-No. 2F permit to broaden the territorial description to between points in the United States, under continuing contract with a named shipper.

MC 151655 (Sub-6)X, filed April 10, 1981. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. Applicant seeks to remove restrictions in its MC-140601 Sub-No. 12F permit to (A) broaden its commodity descriptions from (1)(a) plastic pipe, vinyl plastic siding, extruded plastic products, and fittings, and (b) accessories for the commodities named in (1)(a) above, and (2) materials, equipment, and supplies used in the manufacture of the commodities named in (1) (a) and (b) above, to "plastic products and building materials"; and (B) to broaden the territorial scope to "between points in the U.S.", under continuing contract(s) with a named shipper.

MC 151742 (Sub-4)X, filed April 13, 1981. Applicant: TEAM TRANSPORT, INC., P.O. Box 397, Warrendale, PA 15086. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; and (2) delete restriction limiting transportation to shipments

having a prior or subsequent movement by rail or water.

[FR Doc. 81-12152 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

[F.D. No. 29565]

**Atlantic and East Carolina Railway Company and North Carolina Ports Railway Commission—Exemption**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Atlantic and East Coast Railroad Company (A&EC) will convey certain track in the Morehead City, NC, port district to the North Carolina Port Railway Commission to allow the latter to provide a new service for an export coal shipper. In turn, the shipper will construct a replacement track to be conveyed to A&EC. This transaction is a relocation of a railroad line which does not disrupt service to shippers and is thus exempt from our consolidation regulations under 49 CFR 111.5(c)(5).

**DATE:** The parties intended to consummate the transaction on or about April 3, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ernest Abbott, (202) 275-3002.

**SUPPLEMENTARY INFORMATION:** Atlantic and East Carolina Railway Company (A&EC) and the North Carolina Port Railway Commission (NCPRC) filed a notice of exemption on March 26, 1981. The notice indicates that A&EC and NCPRC intend to enter into a transaction which has been exempted from regulation pursuant to 49 U.S.C. 10505. The notice has been filed in accordance with the Commission's railroad consolidation procedures as set forth at 49 CFR 111.5(c)(5).

A&EC and NCPRC state that the transaction is a "joint project involving the relocation of a line of railroad which does not disrupt service to a shipper." This class of actions is specifically exempted from the requirements of the consolidation rules.

The A&EC is a wholly-owned subsidiary of Southern Railway Company, and NCPRC is a Class III railroad. A&EC operates between Goldsboro and Morehead City, NC, over a line owned by Atlantic and North Carolina Railroad Company (A&NC). A&EC connects with tracks of NCPRC at Morehead City, and NCPRC serves the Morehead City port area.

The transaction in question is necessary to provide service for a coal broker, Alla-Ohio Valley Coals, Inc. Alla Ohio is constructing new facilities at Morehead City, NC, to handle export

movements of coal. A&EC will convey to NCPRC certain tracks adjacent to the port, including a portion of its mainline into Morehead City. Alla-Ohio will pay to construct replacement tracks will be conveyed to A&NC or A&EC. Because A&EC connects with Beaufort and Morehead Railroad Company from the track to be conveyed, a new connection with that railroad will also be constructed to preserve that connection.

The relocation will assure adequate facilities for the transportation of export coal without disrupting the traffic of any shipper. The only shipper on the line, Owens-Corning Fiberglass Corporation, will be served by NCPRC after the conveyance.

Construction of the new tracks was begun on March 2, 1981, and will take approximately five weeks. The conveyance of existing track to NCPRC and new tracks to A&NC and A&EC was scheduled to occur simultaneously on April 3, 1981.

This exemption applies only to the requirements of 49 U.S.C. 11343-11345 and regulations thereunder. The related construction, while not covered by this exemption, is not subject to our jurisdiction because it has been undertaken by a non-carrier. Only railroads are required by 49 U.S.C. 10901 to acquire prior Commission authorization for the construction of a rail line.

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as otherwise required by 49 U.S.C. Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective provisions developed in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in rail transactions for which approval would be required under 49 U.S.C. 11343, *et seq.* (except trackage rights and lease situations). Accordingly, these employee protective provisions will be imposed here as a condition to exemption of the transaction.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12214 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

**Motor Carriers; Permanent Authority Decision; Decision-Notice**

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49

U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or

grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

#### Volume No. OPY-3048

Decided: April 15, 1981.

By the Commission, Review Board No. 2. Members, Carleton, Fisher and Williams.

MC 153164 (Sub-2), filed February 23, 1981. Applicant: CONCARCO, INC., 698 Fairmount Ave., Baltimore, MD 21204. Representative: Robert C. Schuhmann (same address as applicant), (301) 574-5908. Transporting *automobile parts and accessories*, between points in the U.S. under continuing contract(s) with R.P.S. Products, Inc., of Baltimore, MD.

Note.—This application is directly related to MC-F-14584, published in this same Federal Register issue.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12211 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Finance Docket No. 29517]

#### Philadelphia Belt Line Railroad Company—Operation in Philadelphia, Pa—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10901; Corrected Decision-Notice

April 17, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption: Correction.

SUMMARY: By decision published in the Federal Register on April 10, 1981, at page 21,492, the Interstate Commerce Commission exempted certain operations of the Philadelphia Belt Line Railroad Company from the requirement of prior Commission approval under 49 U.S.C. § 10901. The notice, as published, gave an incorrect address for petitioner's representative. The notice should be revised to list petitioner's representative as: John D. Heffner, 2011 I Street N.W., Washington, D.C. 20006.

#### FOR FURTHER INFORMATION CONTACT:

Ellen D. Hanson, (202) 275-7245.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12208 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

#### Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

By the Commission.

Agatha L. Mergenovich,  
Secretary.

MC 107583 (Sub-60) (republication), filed October 10, 1978, published in the Federal Register of January 30, 1979, and republished, this issue: Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, NY 11354. Representative: George H. Rosen, 265 Broadway, P.O. Box 348, Monticello, NY 12701. A decision of the Commission, Division 2, decided November 19, 1980, and served November 20, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, between points in Baltimore, MD, and the New York, NY Commercial Zone, on the one hand, and, on the other, Atlantic City, NJ; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-12200 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-228]

**Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification**

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 29934 (Sub-26) (republication) filed September 3, 1980, published in the FR issue of September 30, 1980 and republished this issue. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. A Decision of the Commission, Review Board Number 3, decided December 18, 1980, served January 13, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *alcoholic beverages*, and (2) *materials equipment and supplies* used in the manufacture and distribution of alcoholic beverages, between points in Monmouth County, NJ, on the one hand, and, on the other, points in CT, MA, RI, NY, PA, DE, MD, VA, and DC; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to reflect service to points in MA in lieu of MS as previously published.

MC 98334 (Sub-4)(republication) filed December 11, 1979, published in the FR issue of April 23, 1980. Applicant: INDUSTRIAL TRANSIT SERVICE, INC., 3203 Pluto, Dallas, TX 75212. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. A Decision of the Commission, Review Board Number 4, decided April 6, 1981,

served April 8, 1981 and by a Decision of the Commission, Division 2, Acting as an Appellate Division, finds on further consideration that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities which because of size or weight require the use of special equipment*, (2) parts for the commodities named in (1) above, when moving in connection with such commodities, (3) *self-propelled articles*, each weighing 15,000 pounds or more, and (4) *related machinery, tools, parts, and supplies* moving in connection with (3) above between points in AR, KS, LA, NE, NM, OK, and TX. **CONDITION:** Issuance of a certificate in this proceedings is conditioned upon the concurrent cancellation of applicant's Certificate of Registration No. MC 98334 (Sub-No. 1) at its written request or through the successful processing of a conversion application; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. Because this application was filed under the provisions of the special substitution rules, and the notice of the application published in the Federal Register identified it as an application for the single-line substitution of a joint-line service, persons not party to this proceeding may have relied upon the notice of the application as published and may have an interest in the proceeding as reconsidered on the basis of the new Act. Hence, notice of the grant of this application under the provisions of the Motor Carrier Act of 1980 must be republished. In the absence of legally sufficient protests in the form of verified statement filed within 45 days of publication in the Federal Register (or if the application later becomes unopposed), appropriate authority will be issued to applicant upon compliance with certain requirements which will be set forth in a notice. Within 60 days after publication applicant may file a verified statement in rebuttal to any statement in opposition. The purpose of this republication is to indicate that this grant of authority has been made in accordance with the provisions of the Motor Carrier Act of 1980.

MC 151824 (republication) filed September 9, 1980, published in the FR issue of October 1, 1980 and republished this issue. Applicant: J. T. ROSS HAULING, INC., P.O. Box 552, Beach

Road, West Haverstraw, NY 10993. Representative: J. L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. A Decision of the Commission, Division 2, Acting as an Appellate Division, decided April 6, 1981, served April 14, 1981, finds on further consideration that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *machinery* between points in CT, NJ, and NY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VT, VA, and WV, and DC; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulation. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission,  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12244 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

[Volume No. 65]

**Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice**

Decided: April 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

**Findings**

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each



applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,  
Secretary.

MC 2052 (Sub-26)X, filed April 9, 1981. Applicant: BLAIR TRANSFER INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 6, 9, 10, 11, 14F, 15F, 17F, 20F, 21F, 23F, and 24F certificates to: (1) broaden the commodity description to (a) "machinery, metal products, transportation equipment and related products" from agricultural implements, machinery, equipment and parts, and road construction machinery, equipment, attachment and parts in Sub-No. 6 and the above commodities and tires in Sub-No. 17F; (b) "food and related products" from meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Appendix I, *Descriptions* case, in Sub-Nos. 9, 10, 15F, and 20F; (c) "such commodities as are dealt in by manufacturers or distributors of art; craft or hobby materials, equipment or supplies" from materials, equipment and supplies used in crafts, art and hobbies in Sub-Nos. 11, 14F, and 23F; (d) "rubber and plastic articles" from plastic articles and accessories used in the floral industry in Sub-No. 21F; (2) remove restrictions against the transportation of commodities in bulk in Sub-Nos. 6, 9, 10, 11, 14F, 15F, and 23F; against the transportation of hides in Sub-Nos. 9, 10 and 15F; against commodities in bulk in tank vehicle in Sub-No. 24F; and against size and weight commodities in Sub-No. 6; (3) broaden to county-wide authority and permit radial operations in place of one-way service between: Washington County, (facilities at Blair), NE, and points in ND, SD, KS, MN, IA, MO, and IL in Sub-No. 6; Colfax County (facilities at Schuyler) NE and points in IL, IA, and WI in Sub-No. 9; Pottawattamie County (Oakland) IA and points in MD, NY, OH, PA, WV, and DC in Sub-No. 10; Allen County (facilities near Lima) OH; Washington County (facilities near Blair) NE in Sub-Nos. 11 and 14F; Lexington County, (facilities near Lexington), SC in Sub-No. 14F; Colfax County (facilities at Schuyler) NE and points in GA, NC, and SC and those in FL on and north of Florida Hwy 50 in

Sub-No. 15F; Dodge and Colfax Counties, (facilities at Fremont and Schuyler) NE and points in IN and OH; Portage County (Kent) OH and points in AR, CO, IL, IA, KS, LA, MN, MO, NE, OK, TX, and WI in Sub-No. 21F; Lexington County, (facilities at Lexington) SC, Allen County, (facilities at Lima) OH in Sub-No. 23F; Chicago, IL and points in CO, IA, KS, MN, MO, NE, SD, and WI in Sub-No. 24F; (4) remove a facilities limitation in Sub-No. 24F; (5) remove "originating at or destined to" restrictions in Sub-Nos. 9, 15F, 20F, and 23F and (6) remove restrictions against service to AK and HI in Sub-No. 17F.

MC 77972 (Sub-40)X, filed March 23, 1981, previously noticed in the Federal Register of April 7, 1981, republished as corrected this issue. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22652, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 12, 13, 17, 22, 28, 29, and 30 certificates to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", in the lead and all of the above sub-numbers; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service: in Sub-No. 4, between Starkville, MS, and Ackerman, MS; in Sub-No. 17, between Meridian, MS, and Toomsaba, MS, between Laurel, MS, and Hattiesburg, MS, and between Hattiesburg, MS, and Osyka, MS; in Sub-No. 22, between Mooreville, MS, and Amory, MS; in Sub-No. 29, between Columbus, MS, and Aberdeen, MS and in Sub-No. 30, between Memphis, TN and the AL-TN State line; (3) eliminate (a) in Sub-No. 15, the restriction against traffic moving between Waynesboro and Meridian, MS, for subsequent interchange at either point, (b) in Sub-No. 29, the originating at and destined to restriction, and the restriction against service at Waynesboro, MS, and points within the Waynesboro, MS, Commercial Zone, and (c) in Sub-No. 30, restriction against the transportation of shipments received from another carrier at a point in AL, against the pickups of shipments at points in AL for delivery to an interline carrier at another point in AL, and against the handling of traffic originating at, destined to, or interchanged at 4 cities in AL and points in their commercial zones. The purpose of this republication is to indicate service is authorized at all intermediate points in connection with regular-route operations in Sub-No. 30.

MC 100666 (Sub-542)X, filed April 7, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, Ok 73112. Applicant seeks to remove restrictions in its Sub-Nos. 160, 173, 252, 274, 276, 292, 351, 367, 452, 458F, 461F, 471, 475F, 479F, 484F, 489F, 514F, 531F, and 532F certificates to (1) broaden its commodity descriptions, to "machinery", from self-propelled hydraulic loaders, transformers, which because of their size or weight require the use of special equipment, agricultural, industrial, and construction machinery and equipment (with exceptions), trailers and international combustion engines, such merchandise as is dealt in by lawn and garden dealers, agricultural, industrial equipment, and lawn and leisure product dealers (with exceptions), returned shipments, cooling towers, and parts and accessories, therefor (with exceptions), air conditioning and heating units, tractors (with exceptions), electric motors, laminations and accessories, environmental control equipment and supplies, and circuit breakers and circuit breaker parts, in all of the above sub-number authorities; (2) replace facilities and cities with county-wide authority (a) in Sub-No. 160, Mullinville, KS, with Kiowa County, KS, (b) in Sub-No. 173, facilities at or near Shreveport, LA, with Caddo Parish, LA, (c) in Sub-Nos. 274, 292, 351, and 475F, remove facilities limitations at specified counties, (d) in Sub-No. 276, Albany and Cordele, GA, with Dougherty and Crisp Counties, GA, (e) in Sub-No. 367, Tulsa, OK, with Tulsa County, OK, (f) in Sub-No. 452, facilities at or near Port Washington and Milwaukee, WI, and La Porte, IN, with Ozaukee and Milwaukee Counties, WI, and La Porte County, IN, (g) in Sub-No. 458F, facilities at or near Kaukauna, WI, with Outagamie County, WI, (h) in Sub-No. 471, facilities at or near Romeo, MI, with Macomb County, MI, (i) in Sub-No. 479F, facilities at or near Norwood, OH, with Hamilton County, OH, (j) in Sub-No. 484F, facilities at or near Detroit, MI, with Detroit, MI, (k) in Sub-No. 469, Durant, OK, with Bryan County, OK, (l) in Sub-No. 514F, facilities in Jackson County, MO, with Jackson County, MO, (m) in Sub-No. 531F, Richland, MS, with Holmes County, MS, and (n) in Sub-No. 532, Claremore, OK, with Rogers County, OK; (3) change one-way to radial authority between the above specified counties and points in the U.S., or specified States, in all of the above sub-numbers except Sub-Nos. 461F, 475F, 514F, and 532F; (4) eliminate (a)

the AK and HI exceptions, in Sub-Nos. 173, 252, 276, 367, 461F, 479F, 531F, and 532F, (b) the originating at and destined to restrictions in Sub-Nos. 274, 292, 351, 471, and 475 part (l), and (c) the restriction in part (2) of Sub-No. 475 restricting service to traffic (except traffic having a prior or subsequent movement by rail or water) originating at or destined to points in the named States.

MC 119765 (Sub-97)X, filed April 13, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27 Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 35 and 59F certificates to (1) broaden commodity descriptions from iron and steel articles to "metal products"; (2) replace plantsite authority with county-wide authority; Norfolk with Madison County, NE; (3) delete an "originating at" restriction in Sub-No. 35; and, (4) replace one-way authority with radial authority between Madison County, NE, and, 14 central and western States.

MC 124774 (Sub-138)X, filed April 9, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-No. 106F to (1) broaden the commodity description from meats, meat products and meat byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), to "food and related products"; (2) replace authority to serve facilities at Omaha, NE, with Douglas County, NE; (3) remove the originating at or destined to restriction; and (4) replace one-way with radial authority between Douglas County and 28 States.

MC 125433 (Sub-467)X, filed March 30, 1981. Applicant: F-B TRUCK LINE CO., 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 1, 14, 19, 20, 23, 24, 26, 30, 32, 33, 34, 35, 38, 40, 44, 53, 54, 55, 56, 58, 59, 60, 61, 68, 69, 70, 74, 78, 79, 81, 88, 89, 92, 93, 98, 99, 101, 102, 105, 107, 110, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 133, 136, 138, 139, 141, 142F, 143F, 144F, 145F, 146F, 147F, 148F, 149F, 150F, 151F, 152F, 153F, 154F, 155F, 156F, 157F, 158F, 159F, 160F, 161F, 163F, 165C, 166F, 167F, 168F,

169F, 173F, 174F, and 175F certificates to (A) change the commodity descriptions from: (1) machinery and machinery parts, and mining and construction materials, equipment, and supplies to "machinery and supplies, mining and construction materials, equipment and supplies" in Sub-Nos. 1 and 58, (2) forest products and lumber, etc. to "forest products, and lumber and wood products" in Sub-Nos. 14, 24, 33, 34, 35, and 58, (3) paper articles to "pulp, paper, and related products" in Sub-No. 19, (4) snowmobiles and special purpose trailers to "transportation equipment" in Sub-Nos. 20, 99, 110, and 141, (5) iron and steel articles, etc., and construction materials to "metal products" and "construction materials" in Sub-No. 24, (6) wood cabinets and parts thereof, and wood paneling to "lumber and wood products and furniture and fixtures" in Sub-Nos. 24 and 115, (7) wood cabinets and parts thereof and fluorescent light fixtures to "furniture and fixtures" in Sub-Nos. 24, 69, and 70, (8) iron and steel articles, some with exceptions and some used in the manufacture of mobile homes, motor homes and campers, aluminum products, fire hydrants, pipe, and copper rod, to "metal products" in Sub-Nos. 24, 26, 30, 40, 44, 53, 58, 60, 61, 69, 74, 88, 99, 107, 118, 120, 121, 129, 131, 136, and 157, (9) aluminum and aluminum products, lumber and lumber mill products, paneling, particle board, and composition board, used in the manufacture of mobile homes, motor homes and campers to "metal products" and "lumber and wood products" in Sub-No. 24, (10) industrial fluorescent lighting and medical electrical appliances to "furniture and fixtures" and "electrical equipment" in Sub-No. 24, (11) brick and building tile composition roofing, to "building materials" in Sub-Nos. 33, 69, and 154F, (12)(a) size and weight commodities, machinery and supplies to "commodities, which because of their size or weight require the use of special handling or equipment, and machinery and supplies", (b) general commodities (with exceptions) to "general commodities (except classes A and B explosives)", and (c) self-propelled vehicles, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and vehicles moving in driveway service), and related machinery, tools, parts and supplies, moving in connection therewith to "self-propelled vehicles, and related machinery, tools, parts and supplies" in Sub-No. 38, (13) self-propelled articles, weighing 15,000 pounds

or more, transported on trailers, and related machinery, tools, parts and supplies moving in connection therewith to "self-propelled articles" in Sub-No. 44, (14) plastic pipe and conduit to "rubber and plastic products" in Sub-No. 54, (15) contractor's construction and mining machinery, equipment, materials, supplies and parts to "machinery and supplies, and construction equipment, materials, supplies and parts" in Sub-No. 55, (16) agricultural machinery and implements and self-propelled vehicles used in agricultural and farming operations, with certain exceptions to "machinery and supplies and self-propelled vehicles" in Sub-Nos. 56 and 58, (17) mining and construction materials when also building materials to "mining and construction materials and building materials" in Sub-No. 58, (18) machinery to "machinery and supplies" in Sub-No. 58, (19) machinery parts when also size and weight commodities, pipe, boilers, structural steel, or storage tanks, and parts thereof to "machinery and supplies, pipe, metal products, boilers or storage tanks and parts thereof" in Sub-No. 58, (20) mining and construction equipment, materials and supplies when also boilers, storage tanks and parts thereof, pipe, structural steel, or commodities of unusual size or weight to "mining and construction equipment, materials and supplies, boilers, storage tanks and parts thereof, pipe, metal products, and commodities, the transportation of which, because of their size or weight require special equipment or handling" in Sub-No. 58, (21) special purpose trailers designed for use incidental to construction and mining projects (with certain exceptions), when also mining and construction equipment to "special purpose trailers, and mining construction equipment" in Sub-No. 58, (22) machinery (when also farm machinery) and construction equipment (with certain exceptions) to "machinery and supplies and construction equipment" in Sub-No. 58, (23) forest products, when also building materials to "forest products and building materials" in Sub-Nos. 58 and 69, (24) iron and steel articles, etc. (with certain exceptions), when also commodities of unusual size and weight, boilers, storage tanks, and parts thereof, pipe, structural steel, or contractor outfits and supplies requiring special equipment or rigging to "metal products, and 'size and weight commodities', boilers, storage tanks and parts thereof, pipe, and contractor's outfits and supplies" in Sub-No. 58, (25) related tools, parts and supplies (when also boilers, pipe, commodities of unusual size and weight,

storage tanks and parts thereof, or contractor's outfits and supplies requiring special equipment or rigging) and related machinery, to "related tools, parts and supplies, and related machinery" in Sub-No. 58, (26) electrical transformers and agricultural combines, etc., lift trucks, self-propelled vehicles, ski-lift components to "machinery and supplies" in Sub-Nos. 59, 101, 128, 133, 138, 141, 143F, 150F, 153F and 155F, (27) heat exchangers and equalizers for air, gas or liquid; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquid; and parts, etc. used in the manufacture, etc. of these items to "heat exchangers and equalizers for air, gas or liquid, and machinery and supplies" in Sub-No. 68. The following item numbers (28) through (56) are all contained in Sub-No. 69: (28) asbestos cement pipe, when also bulk and service station equipment (each article to weigh a maximum of 5,000 pounds), building and construction materials, or power line materials to "asbestos cement pipe, building and construction materials, and power line materials", (29) limestone and limestone products, when also building or construction materials to "limestone and limestone products", (30) lumber, when also building, construction, and power line materials to "lumber and wood products", also in Sub-Nos. 130 and 161F, (31) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, when also commodities of unusual size and weight, machinery, boilers, storage tanks, and parts therefor, pipe, structural steel, or contractors' outfits and supplies requiring special equipment or rigging to "bulk and service station equipment, machinery and supplies, metal products, and 'size and weight' commodities", (32) building and construction equipment, when also commodities of unusual size and weight, machinery, boilers, storage tanks, and parts therefor, or contractors' outfits requiring special equipment or rigging to "building and construction equipment, 'size and weight' commodities, machinery, boilers, storage tanks and parts therefor, or contractors' outfits", (33) building and construction equipment, when also special-purpose trailers designed for use in connection with maintenance and repair of electric power transmission lines, or those designed for use incidental to construction and mining projects, not including in either case, trailers designed to be drawn by passenger automobiles, in truckaway service, to "building and construction equipment and trailers", (34) construction

equipment (except self-propelled articles weighing 15,000 pounds or more and commodities, the transportation of which, because of size or weight, require the use of special equipment), to "construction equipment", (35) building and construction equipment, when also self-propelled articles, each weighing 15,000 pounds or more, to "building and construction equipment, and transportation equipment", (36) building, construction, telephone, and power line materials, when also iron and steel articles, as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, to "building, construction, telephone, and power line materials, metal and metal articles", (37) building materials when also mining or construction materials, to "building materials and mining or construction materials", (38) machinery, when also bulk, and service station equipment, each article to weigh a maximum of 5,000 pounds, building and construction equipment, or telephone and power line materials, to "machinery and supplies, building and construction equipment and telephone and power line materials", (39) construction equipment and materials, when also boilers, storage tanks and parts thereof, pipe, structural steel, or commodities of unusual size or weight, to "construction equipment and materials, pipe, metal products, and commodities which, because of their size or weight, require the use of special equipment or handling", (40) special purpose trailers designed for use incidental to mining and construction projects (not including trailers designed to be drawn by passenger automobiles, in truckaway service) when also building and construction equipment, to "transportation equipment and trailers", (41) construction equipment (except self-propelled articles weighing 15,000 pounds or more, and commodities, the transportation of which, because of size or weight, require the use of special equipment or handling), to "construction equipment", (42) construction equipment when also self-propelled articles, each weighing 15,000 pounds or more, to "construction equipment and self-propelled articles", (43) iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276 (except mining and construction materials, equipment and supplies) when also commodities of unusual size and weight, boilers, storage tanks and parts therefor, pipe, structural steel, or contractors' outfits and supplies, requiring special equipment or rigging,

and when also bulk and service station equipment each article to weigh a maximum of 5,000 pounds or telephone or power line materials, to "metal products, contractors' outfits and supplies, bulk and service station equipment, telephone and power line materials, and commodities, which, because of their size or weight, require the use of special equipment or handling, and pipe", (44) lumber and lumber mill products when also building materials, to "lumber and wood products, and building materials", (45) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, building and construction materials and equipment, and telephone and power line materials when also commodities, the transportation of which, because of size or weight, requires the use of special equipment, to "bulk and service station equipment, building and construction materials and equipment, telephone and power line materials, and commodities, which, because of their size or weight, require the use of special equipment or handling", (46) machinery, boilers, pipe, storage tanks and parts therefor, or structural steel (except Class A and B explosives, motor vehicles and motor vehicle cabs and bodies) when moving in mixed loads, on a single bill of lading, from a single consignor with commodities named above, when also bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, building and construction materials and equipment or telephone and power line materials, to "machinery and supplies, boilers, pipe, storage tanks and parts therefor, metal products, bulk and service station equipment, building and construction materials and equipment, and telephone and power line materials", (47) self-propelled vehicles each weighing 15,000 pounds or more (except motor vehicles, and vehicles moving in driveway service) when also building and construction equipment, to "self-propelled vehicles", (48) iron and steel articles as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, when also boilers, pipe, storage tanks and parts therefor, or structural steel, and when also bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, construction materials and equipment, building equipment or telephone and power line materials, to "metal and metal products, boilers, pipe, storage tanks and parts therefor, structural steel, bulk and service station equipment, building equipment and telephone and power line materials", (49) bulk and

service station equipment, each article to weigh a maximum of 5,000 pounds, when also mining and construction equipment of unusual size and weight; and mining and construction equipment when self-propelled vehicles weighing 15,000 pounds or more, or machinery, to "bulk and service station equipment, mining and construction equipment, and self-propelled vehicles, and machinery and supplies", (50) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, when also machinery, commodities, the transportation of which, by reason of size or weight, require the use of special equipment, to "bulk and service station equipment, machinery and supplies, and commodities, which, by reason of their size or weight, require the use of special equipment or handling", (51) building, construction and telephone and power line materials, when also mining and construction materials of unusual size and weight; and telephone and power line materials when also iron and steel articles, to "building, construction and telephone and power line materials, mining and construction materials, telephone and power line materials, and metal and metal products", (52) construction, building, telephone and power line materials when also machinery, structural steel, pipe and size and weight commodities, and related construction, building, telephone and power line materials when also machinery parts or related contractors materials and supplies (when their transportation is incidental to the transportation of commodities authorized above), to "construction, building, telephone and power line materials, machinery, contractor's materials and supplies, commodities, which, by reason of their size or weight, require the use of special equipment or handling", (53) building, construction, telephone and power line materials when also iron and steel articles, as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V, 61 M.C.C. 276, to "building, construction, telephone and power line materials, and metal and metal products", (54) building and construction equipment, when also machinery, mining and construction equipment of unusual size and weight; or mining and construction equipment when also self-propelled vehicles each weighing 15,000 pounds or more, and related building and construction equipment when also machinery, tools, parts and supplies moving in connection therewith, to "building, construction and mining equipment, machinery and self-

propelled vehicles", (55) building and construction equipment when also machinery or commodities, the transportation of which by reason of size or weight, requires the use of special equipment, to "building and construction equipment, machinery and commodities, which, by reason of their size or weight, require the use of special equipment or handling", (56) construction equipment (except self-propelled vehicles) weighing 15,000 pounds or more and "size and weight" commodities, to "building and construction equipment, machinery and commodities, which because of their size or weight, require the use of special equipment or handling", (57) pumice stone, in packages, to "clay, concrete, glass or stone products", in Sub-No. 78, (58) plastic pipe and fittings and tires to "rubber or plastic products", in Sub-Nos. 79, 114, 158, 169F and 174F, (59) pre-finished vinyl or paper-covered paneling, gypsum board, hardboard, composition board and molding, to "lumber or wood products, and vinyl or paper-covered paneling and gypsum board", in Sub-No. 81, (60) aluminum, aluminum products, and supplies, materials and equipment used in the manufacture of aluminum and aluminum products (except in bulk), to "metal and metal products and equipment used in the manufacture thereof", in Sub-No. 89, (61) ferrous scrap to "scrap" in Sub-No. 98, (62) size or weight commodities, machinery, boilers, storage tanks, and parts therefor, pipe, structural steel, and contractors' outfits and supplies requiring special equipment or rigging, to "commodities, which, because of their size or weight, require the use of special equipment or handling, and machinery and supplies, and metal and metal products", in Sub-No. 99, (63) self-propelled articles each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith, to "self-propelled articles, and machinery and supplies", in Sub-No. 99, (64) machinery, boilers, pipe, building materials and commodities of unusual size or weight, to "machinery and supplies, boilers, pipe, building materials and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling", in Sub-No. 99, (65) machinery, boilers, pipe, building materials, and commodities of unusual size and weight, to "machinery and supplies, boilers, pipe, building materials, and commodities, which, because of their size or weight, require the use of special equipment or handling", in Sub-No. 99, (66) farm machinery and construction equipment

(except self-propelled articles weighing 15,000 pounds or more and commodities, the transportation of which, because of size or weight, require the use of special equipment), to "machinery and supplies, and commodities, which, because of their size or weight, require the use of special equipment or handling", in Sub-No. 99, (67) commodities the transportation of which because of their size or weight require the use of supplies, equipment and related machinery parts and related contractor's materials and supplies, when their transportation by said carrier of commodities which by reason of size or weight require special equipment, to "commodities, which, because of their size or weight require the use of special equipment or handling, machinery and supplies, and contractors' materials and supplies", in Sub-No. 99, (68) pre-cut log buildings and materials and supplies used in the erection of the foregoing commodities (except commodities in bulk), to "buildings (knocked-down, set-up or in sections), and materials and supplies used in the erection of the foregoing commodities", in Sub-No. 102, (69) prefabricated buildings, knocked-down, or in sections, and equipment, supplies, and component parts used in the construction, erection, and completion of prefabricated buildings (except commodities in bulk, and in tank vehicles), to "buildings (knocked-down, set-up or in sections), and equipment, supplies, and component parts used in the construction, erection, and completion thereof", in Sub-No. 105, (70) pre-cut log buildings, materials and supplies used in the erection of pre-cut log buildings, to "buildings (knocked-down, set-up, or in sections), and materials and supplies used in the erection thereof", in Sub-No. 117, (71) such commodities as are dealt in, or used by, agricultural equipment and industrial equipment dealers and manufacturers (except foodstuffs, paper, paper products, plastic articles, cellulose materials, and commodities in bulk), to "such commodities as are dealt in or used by, agricultural equipment and industrial equipment dealers and manufacturers", in Sub-No. 122, (72) scrap metal (except commodities which because of size or weight, require the use of special equipment), and scrap wet batteries, to "waste or scrap materials", in Sub-No. 126, (73) minerals and mineral products, in containers, to "ores and minerals and minerals and mineral products", in Sub-No. 127, (74) bentonite (except in bulk), and lignite, treated or untreated, to "bentonite and lignite, and clay, concrete, glass or stone products", in Sub-No. 142F, (75) racks, cable,

underground, iron or steel (knocked-down), cable, racks and parts thereof, to "metal products, machinery and supplies, and cable", in Sub-No. 144F, (76) fireplaces, grates, and hearths, coal and wood burning stoves, to "equipment for heating, cooling, humidifying or moving air, gas or liquid", in Sub-No. 146F and 167F, (77) (a) bentonite clay (except in bulk) and lignite coal, (b) bentonite clay (except in bulk), lignite coal and water impedance boards, and (c) bentonite clay (except in bulk), and lignite coal, to "bentonite clay and coal", in Sub-No. 152F, (78) carpet and rug cushioning, carpet lining, plastics and plastic products, and rubber (except commodities in bulk), to "rubber and plastic products, and carpets, rugs and related accessories", (79) irrigation and sprinkling systems, to "machinery and supplies, and irrigation and sprinkling systems", in Sub-No. 159F, (80) lumber, lumber products, forest products and wood products, to "lumber or wood products, and forest products", in Sub-No. 160F, (81)(a) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, agricultural commodities, feeds, seeds and feed-lot supplies, building and construction materials and equipment, office and store fixtures (except those transported as part of a household-goods movement, telephone and power line materials), and coal, and (b) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, building and construction materials and equipment, telephone and power line materials, and coal, to (a) "bulk and service station equipment, farm products, building materials, machinery and supplies, and coal, and (b) bulk and service station equipment, building materials, construction equipment, telephone and power line materials, and coal", in Sub-No. 163F, (82)(a) commodities which by reason of size or weight require special handling or the use of special equipment, and commodities (when also machinery, boilers, storage tanks and parts thereof, structural steel, and special purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects), which do not require special handling or the use of special equipment, when moving in the same shipment on the same bill of lading as commodities which by size or weight require special handling or the use of special equipment; (b) self-propelled articles, weighing 15,000 pounds or more, transported on trailers, and related machinery, tools, parts, and

supplies moving in connection therewith; (c) iron and steel articles, as described in Appendix V to the commission's report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; and (d) pipe (except iron and steel); to "commodities, which by reason of size or weight, require special handling or the use of special equipment, machinery, self-propelled articles, metal and metal products, and pipe", in Sub-No. 165F, (83)(a) commodities, the transportation of which, because of their size or weight, require the use of special equipment, related machinery parts, and related contractors' materials and supplies, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and special-purpose trailers designed for use in connection with the maintenance and repair of electric power transmission lines and for use incidental to construction and mining projects, moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (b) self-propelled articles, each weighing 15,000 pounds, or more, and related machinery, tools, parts, and supplies moving in connection therewith; and (c) iron and steel articles, as described in Appendix V to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; to "commodities, which, because of their size or weight, require the use of special equipment, machinery and supplies, and contractors' materials and supplies, self-propelled articles, and metal and metal products", in Sub-No. 165F, (84) fabricated steel fireplaces and fireplace parts and materials and supplies used in the manufacture of the commodities above, (except commodities in bulk), to "metal products, and equipment for the heating, cooling or moving of gas or liquid", in Sub-No. 166F, (85) ground bentonite, in bags, and dried lignin pitch, in bags, to "bentonite, and dried lignin pitch", in Sub-No. 168F, (86)(a) insulated building and roofing panels and equipment, materials and supplies used in the installation of insulated building and roofing panels, (except commodities in bulk), and (b) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (a) above (except commodities in bulk), to "insulated building and roofing panels, and equipment, materials and supplies, used in the installation thereof", in Sub-No. 173F, and (87)(a) buildings, building sections, and building panels, (b)

prefabricated metal structural components, and (c) parts and accessories used in the manufacture and installation of the commodities named in (a) and (b) above, to "buildings (knocked-down, set-up, or in sections), building panels, and metal products", in Sub-No. 175F; (B) remove various exceptions to the commodity descriptions, such as "except mining and construction materials, equipment and supplies"; "except in bulk"; "boats"; "salt and salt products", "except— — — size and weight" commodities"; etc., wherever they appear in each certificate; (C) remove restrictions against the transportation of named commodities to or from specified points in Sub-Nos. 34, 56, 58, and 118; (D) delete facilities limitations wherever they appear in each of the certificates; (E) remove the "originating at or destined to" restrictions wherever they appear in the certificates, except in Sub-Nos. 122, 123, 139, and 150F; (F) eliminate the exception to AK and HI on the territorial descriptions wherever they appear in each certificate; (G) delete exceptions to: AK, HI, and ID in Sub-Nos. 78 and 81; AK, HI, and CA in Sub-Nos. 113, 128, 146F, 147, 154, and 158F; AK, HI, and NV in Sub-No. 136; AK, HI, and OR in Sub-No. 141; AK, HI, and UT in Sub-No. 145; AK, HI, and WY in Sub-No. 152F; HI and NV in Sub-No. 153F; AK, HI and WI in Sub-No. 155F; AK, HI and AZ in Sub-No. 157F; AK, HI and CO in Sub-No. 159F; AK, HI and SD in Sub-No. 161F; and AK, HI and TN in Sub-No. 166F; (H) replace city-wide authority with county-wide authority wherever the following appear in the said certificates: Antioch with Contra Costa County, CA, San Jose with Santa Clara County, CA, Stockton with San Joaquin County, CA, Logan with Cache County, UT, Perris Valley, Corona and Riverside with Riverside County, CA, El Monte with Los Angeles County, CA, City of Commerce and City of Industry with Los Angeles County, CA, Santa Fe Springs, Montebello, Los Angeles and Long Beach with Los Angeles County, CA, Fontana with San Bernardino County, CA, Napa with Napa County, CA, Aberdeen with Grays Harbor County, WA, Seattle with King County, WA, Orange with Orange County, CA, Pocatello with Bannock County, ID, Belmont with San Mateo County, CA, Norfolk with Madison County, NE, Houston with Harris County, TX, Chattanooga with Hamilton County, TN, Albertville with Marshall County, AL, Malad City with Oneida County, ID, Denver with Denver County, CO, Boise with Ada County, ID, Decatur with Morgan County, AL, Casa Grande with Pinal County, AZ, Visalia with

Tulare County, CA, Woodland with Yolo County, CA, Loveland with Larimer County, CO, Ocala with Marion County, FL, Plant City with Hillsborough County, FL, Peachtree City with Fayette County, GA, Jonesboro with Clayton County, GA, Twin Falls with Twin Falls County, ID, Morris with Grundy County, IL, St. Charles with Kane County, IL, Franklin with Johnson County, IN, Bicknell with Knox County, IN, McPherson with McPherson County, KS, Montevideo with Chippewa County, MN, Hernando with De Soto County, MS, Dunkirk with Chatauga County, NY, Reidsville with Rockingham County, NC, Cleveland with Cuyahoga County, OH, Tulsa with Tulsa County, OK, Checotah with McIntosh County, OK, Stayton with Marion County, OR, Bloomsburg with Columbia County, PA, Denison with Grayson County, TX, Mansfield with Tarrant County, TX, Spokane with Spokane County, WA, Ferndale with Whatcom County, WA, Marshfield with Wood County, WI, Whitewater with Lawrence County, SD, Escalante with Garfield County, UT, Norfolk with Madison and Stanton Counties, NE, Salt Lake City with Salt Lake County, UT, Independence with Jackson County, MO, Englewood with Arapahoe County, CO, Ft. Collins with Larimer County, CO, Shelbyville with Shelby County, KY, Chowchilla with Madera County, CA, Orange with Orange County, CA, Phoenix with Maricopa County, AZ, Hayward with Alameda County, CA, La Habra with Orange County, CA, Kent with King County, WA, Imvive with Nye County, NV, York Canyon with Colfax County, NM, El Paso with El Paso County, TX, Tyler with Smith County, TX, Sacramento with Sacramento County, CA, York with York County, NE, Santa Clara with Santa Clara County, CA, Avon with Lorain County, OH, Fresno with Fresno County, CA, Reno with Washoe County, NV, Wausau with Marathon County, WI, Malta with Phillips County, MT, Gascoyne with Bowman County, ND, Lovell with Big Horn County, WY, Clearfield with Davis County, UT, Los Angeles, Vernon and Montebello with Los Angeles County, CA, Fontana with San Bernardino County, CA, San Pablo with Richmond County, CA, Oakland with Alameda County, CA, Vallejo with Solano County, CA, Napa and Napa County, CA, Eagle Mountain with Riverside County, CA, Sunnyside with Carbon County, UT, Santa Cruz with Santa Cruz County, CA, Brimfield with Peoria County, IL, Moss Landing with Monterey County, CA, Carson City with Carson City County, NV, Milwaukee with Milwaukee County, WI, San Manuel

with Pinal County, AZ, Watsonville with Santa Cruz County, CA, Spearfish with Lawrence County, SD, Julesburg and points in CO within 75 miles of Julesburg with Sedgwick County, CO, Union City with Obion County, TN, Greybull with Big Horn County, WY, Appleton with Outagamie County, WI, Bakersfield with Kern County, CA, Sun Valley with Los Angeles County, CA, Santa Ana with Orange County, CA, Houston with Harris County, TX, Dallas with Dallas County, TX, Friedensburg with Schuylkill County, PA, Oklahoma City with Oklahoma County, OK, Stone Mountain with DeKalb County, GA, Pinellas Park with Pinellas County, FL, Miami with Dade County, FL, Jacksonville with Duval County, FL, Pompano Beach with Broward County, FL, Atlanta with Fulton County, GA, New Castle with Placer County, CA; (I) authorize radial authority between specified points located throughout the U.S., where only one-way authority exists in each certificate; (J) delete the restriction against interlining or interchanging traffic involving the transportation of building and construction equipment having any prior or subsequent movement by named carriers, or their successors, as a basis for performing any through operations with respect to the commodities described in Sub-No. 69; (K) eliminate the restriction against traffic moving between specified points in Utah and Idaho in Sub-No. 99F; (L) in Sub-Nos. 141, 150F, 159F and 161F, remove the restriction against the transportation of agricultural tractors and agricultural machinery and implements having a prior or subsequent movement by a named carrier or any successor-holder of its operating rights; and (M) in Sub-No. 142F, remove the restrictions (1) against transportation to the provinces of British Columbia, Alberta and Saskatchewan in Canada through the border points of entry between the U.S. and CD; (2) against the transportation of Mercer commodities from Malta, MT, to CO, WY, NM, and KS; and (3) to subsequent movements by water on traffic destined to King, Kitsap and Pierce Counties, WA.

MC 125433 (Sub-460)X, filed March 31, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 176F, 178F, 179F, 180F, 181F, 182F, 183F, 184F, 185F, 187F, 188F, 189F, 191F, 192F, 193F, 195F, 196F, 197F, 198F, 199F, 200F, 201F, 203F, 205F, 208F, 209F, 211F, 212F, 213F, 214F, 215F, 216F, 217F, 218F, 219F, 220F, 221F,

222F, 225F, 226F, 227F, 228F, 229F, 230F, 231F, 232F, 233F, 239F, 240F, 241F, 242F, 243F, 244F, 246F, 247F, 249F, 250F, 251F, 252F, 253F, 254F, 261F, 262F, 263F, 264F, 265F, 266F, 269F, 270F, 271F, 274F, 275F, 276F, 277F, 278F, 279F, 280F, 284F, 286F, 287F, 288F, 289F, 291F, 293F, 294F, 296F, 298F, 299F, 300F, 303F, 304F, 312F, 313F, 315F, 316F, 317F, 318F, 319F, 320F, 321F, 324F, 326F, 332F, 333F, and 335F certificates to (A) broaden the commodity descriptions from (1) ovens, fittings and accessories for ovens, indirect evaporative cooler, gas fired and electric water heaters, and heating boilers, and furnaces, air conditioners, combination furnace and air conditioner units, solar energy heating and cooling systems and parts, attachments, and accessories to "equipment for heating, cooling, humidifying or moving air, gas or liquid" in Sub-Nos. 176F, 181F, 246F, and 313F; (2) agricultural pesticides, ingredients for agricultural pesticides, alkaline etching solution, recycled alkaline etching solution, and liquid chemical cleaning compounds to "chemicals and related products" in Sub-Nos. 178F, 264F, and 275F; (3) water beds and accessories for water beds, mahogany hot tubs, sinks, counter tops, cabinets and vanities, and accessories, and furniture and furniture parts to "furniture or fixtures" in Sub-Nos. 179F, 183F, 252F, and 291F; (4) truck bodies, hydraulic ladders and derricks, component parts and equipment, lift trucks and hoist trucks, tractors, and attachments and accessories to "transportation equipment and machinery and supplies" in Sub-Nos. 182F and 251F; (5) doors, door parts, and door components, equipment, materials and supplies used in the manufacture and distribution of doors, and buildings (complete, knocked down and in sections) to "building materials" in Sub-Nos. 185F and 198F; (6) knocked-down prefabricated metal buildings and parts, components and accessories used in the manufacture, prefabricated buildings, knocked down or in sections, and equipment, materials, and supplies used in the construction, erection and completion of prefabricated buildings to "building materials and metal products" in Sub-Nos. 193F and 262F; (7) brass and bronze ingots, iron and steel articles, lead and lead alloys, shaped metal articles, and parts for shaped metal articles, refined copper and equipment, materials and supplies used in mining and the manufacture of refined copper, aluminum castings, steel tanks and storage bins, and parts and attachments, fabricated structural iron and steel articles, aluminum, copper and steel wire, aluminum, copper and steel cable,

aluminum, copper and steel strands, aluminum, copper, and steel rods, reels used in the distribution, steel wire rope, extruded aluminum products, fire hydrants, aluminum cans and aluminum lids, iron valves, castings, pipe, pipe fittings, indicator posts and floor stands, iron and steel bars to "metal products" in Sub-Nos. 187F, 203F, 213F, 214F, 219F, 226F, 231F, 247F, 249F, 280F, 289F, 317F, 320F, and 324F; (8) self-propelled mechanical lifting devices, hydraulic pumps, attachments, accessories, equipment, supplies and parts, used in connection with hydraulic pump, agricultural machinery, implements, and parts, attachments and accessories, self-propelled hydraulic hammers and self-propelled hydraulic cranes, tractors, industrial, construction and excavating equipment, material-handling equipment, vibrating screening machinery and conveyors, derricks, booms and parts, metal cleaning and finishing machinery, garage door operators, and parts, attachments and accessories, construction equipment, dozer blades, loader buckets, snow plow blades, printing presses, mining machinery and construction equipment and pumps to "machinery and supplies" in Sub-Nos. 189F, 215F, 228F, 230F, 239F, 263F, 269F, 279F, 288F, 293F, 296F, 298F, 316F, and 321F; (9) clay products, and accessories for clay products, cement pipe containing asbestos fibre and pipe fittings, flat glass and glass products, and glass to "clay, concrete, glass or stone products" in Sub-Nos. 192F, 212F, 266F, and 270F; (10) paper and paper products, label stock, and equipment, materials and supplies used in the manufacture or distribution of label stock to "pulp, paper and related products and printed matter" in Sub-Nos. 195F and 218F; (11) plastic pipe and plastic pipe fittings and accessories, expanded, polyethylene products, and polyethylene pallet bins, parts, attachments and accessories to "rubber and plastic products" in Sub-Nos. 199F, 250F, 265F, and 303F; (12) pipe and pipe fittings (except iron and steel), and accessories to "pipe and pipe fittings and metal products" in Sub-No. 326F; (13) conveyors, filtering equipment, parts and accessories, cotton feeders, coal breakers and feeders, undercarriage and parts for mobile homes to "filtering equipment, machinery and supplies, and transportation equipment" in Sub-No. 180F; (14) air pollution control equipment, systems and supplies and parts to "pollution control equipment, systems, supplies and parts, and machinery and supplies" in Sub-No. 184F; (15) tote pans, refrigeration tunnels

and air vents, and parts and accessories to "tote pans, refrigeration tunnels, air vents, and metal products" in Sub-No. 196F; (16) railroad crossing modules to "railroad crossing modules and railroad equipment" in Sub-No. 197F; (17) sewerage treatment plant and sewerage lift stations, and parts and accessories to "sewerage treatment plant and sewerage lift stations, and machinery and supplies" in Sub-No. 201F; (18) wood burning stoves to "stoves and heaters" in Sub-No. 208F; (19) chemicals, drilling mud, and ore to "chemicals and related products, drilling mud, and ores and minerals" in Sub-No. 217F; (20) contractors, construction, excavating, mining, road-building, and logging equipment and tools, and parts and supplies for contractor's equipment and tools to "machinery, supplies, and tools" in Sub-No. 220F; (21) electrical controllers, and parts and accessories to "electrical equipment and parts" in Sub-No. 227F; (22) copper cathodes, molybdenum concentrates and uranium concentrates to "metal products, molybdenum concentrates, and uranium concentrates" in Sub-No. 229F; (23) pipe (except iron and steel), and iron and steel articles to "metal products and rubber and plastic products" in Sub-No. 233F; (24) canned goods to "food and related products" in Sub-No. 241F; (25) new furniture, household goods, and appliances to "furniture and fixtures, household goods, and appliances" in Sub-No. 242F; (26) iron and steel articles and oil well servicing equipment, oil well drilling equipment, and oil well construction equipment to "metal products, machinery and supplies" in Sub-No. 243F; (27) air pollution control equipment, and parts, attachments, and accessories for air pollution control equipment to "pollution control equipment, and parts, attachments and accessories, metal products" in Sub-No. 244F; (28) steel rolling doors to "steel rolling doors and metal products" in Sub-No. 253F; (29) irrigation and sprinkling systems and parts and accessories to "irrigation and sprinkling systems, and metal products" in Sub-No. 254F; (30) pipe, pipe fittings, and irrigation equipment, materials, equipment and supplies to "metal products, rubber and plastic products, and irrigation equipment" in Sub-No. 261F; (31) paper to "pulp, paper and related products" in Sub-No. 271F; (32) solar collectors, parts, attachments and accessories to "solar energy equipment" in Sub-No. 276F; (33) foam cartons, plastic glassware, polyethylene bags, paper cups and paper gummed tape to "rubber and plastic products and

pulp, paper and related products" in Sub-No. 284F; (34) vibration deadening materials, rubber and composition tile, adhesives, and plastic film or sheeting to "rubber and plastic products and adhesives" in Sub-No. 299F; (35) insulated building panels, and equipment, materials and supplies used in the installation to "metal products, with or without insulation" in Sub-No. 300F; (36) uranium oxide (yellow cake) to "chemicals and related products" in Sub-No. 304F; (37) truck lift gates, parts, attachments and accessories to "material handling equipment and transportation equipment" in Sub-No. 319F; (38) prefabricated refrigeration panels to "refrigeration panels, metal products, and rubber and plastic products" in Sub-No. 332F; (39) commercial marine floatation systems, parts, attachments and accessories to "floatation systems, and commodities, the transportation of which, because of size or weight, require the use of special equipment or handling" in Sub-No. 333F; (40) knocked down scaffolding and parts to "contractors' and construction equipment, and metal products" in Sub-No. 335F; (41) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 315F; (B) remove the restrictions "except commodities in bulk" in Sub-Nos. 178F, 188F, 199F, 205F, 211F, 213F, 218F, 221F, 242F, 244F, 247F, 264F, 269F, 275F, 278F, 288F, 289F, 294F, 298F, 300F, 312F, 313F, 318F, 321F, and 333F; "except in bulk, in tank vehicles" in Sub-Nos. 192F, 212F, 217F, 261F, and 262F; "except in bulk, in dump vehicles" in Sub-No. 222F; "in bags" in Sub-No. 216F; "except tractors" in Sub-No. 251F; "except self propelled vehicles" in Sub-No. 242F; "in containers" in Sub-Nos. 299F and 304F; and "against the transportation of Mercer commodities; size and weight commodities; and iron and steel articles" in Sub-No. 211F; (C) change city-wide to county-wide authority wherever it appears from: Denver to Denver County, CO; Tulsa to Tulsa County, OK; Los Angeles, Whittier, Gardena, Long Beach, Huntington Park, City of Commerce, Paramount, Santa Fe Springs, Vernon, and South El Monte to Los Angeles County, CA; Salt Lake City, North Salt Lake, and Garfield to Salt Lake County, UT; Sherman to Garyson County, TX; Santa Rosa to Cameron County, TX; Berkeley, Newark, San Leandro, and Alameda to Alameda County, CA; Portland to Multnomah County, OR; Eureka to Humboldt County, CA; Tempe to Phoenix to Maricopa County, AZ; Grove City to Franklin County, OH; Grand Island to Hall County, NE; Lexington to Dawson

County, NE; Fowler, Fresno, Biola, and Reedley to Fresno County, CA; Greybull and Lovell to Big Horn County, WY; Spanish Fork and Orem to Utah County, UT; Burlington to Des Moines County, IA; El Paso to El Paso County, TX; Seattle and Enumclaw to King County, WA; Malad City to Oneida County, ID; Houston to Harris County, TX; Abbeville to Abbeyville County, SC; Absecon to Navarro County, TX; Richmond to Madison County, KY; Tucson to Pima County, AZ; Dickinson to Stark County, ND; Van Buren to Crawford County, AR; Glover to Iron County, MO; Omaha to Douglas County, NE; Orange, Santa Ana, Costa Mesa, Huntington Beach, and Buean Park to Orange County, CA; Casper to Natrona County, WY; Greeley to Weld County, CO; Canadian to Hemphill County, TX; Enid to Garfield County, OK; Woodward to Woodward County, OK; Burnsflat to Washita County, OK; Chickasha to Grady County, OK; Quakertown to Bucks County, PA; Painesville and Mentor to Lake County, OH; Peachtree City to Fayette County, GA; Dallas to Dallas County, TX; Cucamonga to San Bernardino County, CA; Hurley to Grant County, NM; Cornvallis to Benton County, OR; Santa Clara and San Jose to Santa Clara County, CA; Napa to Napa County, CA; Jerome to Jerome County, ID; Lenexa to Johnson County, KS; Kansas City to Wyandotte County, KS; Conroe to Montgomery County, TX; Bettendorf to Scott County, IA; Bluewater to Valencia County, NM; Gore to Sequoyah County, OK; Metropolis to Massac County, IL; Pampa to Gray County, TX; Glasgow to Howard County, MO; Slater to Saline County, MO; Grand View to Jackson County, MO; Stafford County, KS; Arlington to Tarrant County, TX; Harrisonville to Cass County, MO; Sycamore to DeKalb County, IL; LaGrange to Oldham County, KY; Forest Park to Clayton County, GA; Watkinsville to Oconee County, GA; Eden to Rockingham County, NC; Tarboro to Edgecomb County, NC; San Francisco to San Francisco County, CA; Tifton to Tift County, GA; York to York County, NE; Garden City to Finney County, KS; Aurora to Adams County, CO; Durand to Shiawassie County, MI; McNary to Umatilla County, OR; Watertown to Codington County, SD; Meadville to Crawford County, PA; Crystal City to Jefferson County, MO; Taylorville to Christian County, IL; St. Genevieve to St. Genevieve County, MO; Florence to Rankin County, MS; Columbus to Muscogee County, GA; Raleigh to Wake County, NC; Tampa to Hillsborough County, FL; Beaverton to

Washington County, OR; Carson City to Carson County, NV; Cedar Rapids to Linn County, IA; Carlstadt to Bergen County, NJ; Austin to Travis County, TX; Menlo Park to San Carlos to San Mateo County, CA; Branson to Taney County, MO; Pachuta to Clark County, MS; Isanti to Isanti County, MN; Stamford to Delaware County, NY; Scotia to Schenectady County, NY; Romeo and Ocala to Marion County, FL; Gary to Lake County, IN; Waupaca to Waupaca County, WI; White City to Jackson County, OR; St. Joseph to Buchanan County, MO; Bakersfield to Kern County, CA; Woodland to Yolo County, CA; Redwood City to San Mateo County, CA; Clearfield and North Salt Lake to Davis County, UT; Abilene to Dickinson County, KS; Baraboo to Sauk County, WI; Nogales to Santa Cruz County, AZ; Alsip and Cicero to Cook County, IL; Hayden to Gila County, AZ; Wamego to Pottawatomie County, KS; Rockford to Winnebago County, IL; Wyomissing to Berks County, PA; Tacoma to Pierce County, WA; Ford to Stevens County, WA; Marshalltown to Marshall County, IA; Carlsbad to Eddy County, NM; Chattanooga to Hamilton County, TN; Albertville to Marshall County, AL; Decatur to Macon County, IL; Monroe to Walton County, GA; Norfolk to Madison County, NE; Fargo to Cass County, ND; Golden to Jefferson County, CO; and Gustine to Merced County, CA; (D) change one-way authority wherever it appears in the above Sub-Nos. to authorize radial authority between points located throughout the entire US or combinations of specified States therein; (E) eliminate the facilities limitations in Sub-Nos. 176F, 179F, 180F, 181F, 182F, 184F, 185F, 187F, 188F, 189F, 191F, 192F, 193F, 196F, 197F, 198F, 199F, 200F, 203F, 205F, 209F, 213F, 214F, 215F, 217F, 218F, 219F, 220F, 225F, 226F, 227F, 228F, 230F, 231F, 232F, 239F, 241F, 242F, 243F, 246F, 247F, 249F, 250F, 251F, 252F, 253F, 262F, 263F, 266F, 269F, 271F, 274F, 275F, 276F, 277F, 278F, 279F, 284F, 286F, 287F, 288F, 289F, 294F, 296F, 298F, 299F, 312F, 313F, 316F, 318F, 319F, 320F, 321F, 324F, 326F, 332F, 333F, and 335F; (F) remove the restrictions (a) "originating at or destined to" in Sub-Nos. 176F, 181F, 182F, 184F, 187F, 188F, 189F, 205F, 213F, 215F, 217F, 218F, 220F, 226F, 227F, 230F, 231F, 232F, 239F, 241F, 246F, 247F, 249F, 251F, 253F, 263F, 269F, 271F, 275F, 284F, 286F, 287F, 288F, 289F, 299F, 304F, 312F, 313F, 318F, 319F, 321F, 326F, 332F, and 333F; (b) "AK and HI" in Sub-Nos. 176F, 178F, 180F, 181F, 182F, 183F, 184F, 189F, 196F, 197F, 198F, 199F, 200F, 201F, 203F, 205F, 208F, 212F, 213F, 215F, 218F, 220F, 222F, 225F, 226F, 227F, 228F, 229F, 230F,

231F, 232F, 233F, 241F, 242F, 243F, 246F, 247F, 249F, 250F, 253F, 254F, 261F, 262F, 263F, 264F, 266F, 269F, 270F, 274F, 276F, 277F, 278F, 279F, 280F, 286F, 287F, 288F, 289F, 294F, 296F, 298F, 299F, 303F, 312F, 313F, 316F, 318F, 319F, 320F, 321F, 324F, 326F, 332F, 333F, and 335F; (c) "HI" in Sub-Nos. 192F, 193F, 217F, and 219F; (d) "IA" in Sub-No. 313F; and (e) "ex-water" in Sub-No. 183F, and "ex-rail" in Sub-No. 315F.

MC 134022 (Sub-34)X, filed March 27, 1981. Applicant: RICHARD Z. ZIMA, d.b.a. ZIPCO, P.O. Box 115, West Bend, WI 53032. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6, 8, 11, 13, 20, 30, 32, and 33 certificates to (1) broaden the commodity descriptions from named food product(s) (some with exceptions such as in bulk and various commodities) and materials and supplies used in the manufacture of those commodities to "food and related products (and materials, equipment and supplies used in the manufacture thereof)" in all the above certificates except Sub-No. 20; and from used motor vehicles (except wrecked or disabled) truckaway service to "transportation equipment," in Sub-Nos. 11 and 20, (2) expand the territorial description from facilities or specified point authorities to city-wide or county-wide authority: (a) St. Louis, MO and St. Paul, MN; from Janesville, WI to Rock County, WI, from West Bend, WI, to Washington, WI, from Frankenmuth, MI, to Saginaw County, MI, from St. Clair, MI, to St. Clair County, MI, from Leroy Township, WI to Dodge County, WI, and from Belleville, IL to St. Clair County, IL, in Sub-No. 2; (b) from Kaukauna and Town of Vinland, WI, to Outagamie County, WI, in Sub-No. 6; (c) from Kaukauna, Town of Vinland and Little Chute, WI to Outagamie County, WI, in Sub-No. 8; (d) from Fond du Lac, WI to Fond du Lac County, WI and Brown Deer, WI to Milwaukee County, WI, in Sub-No. 11; (e) from Kaukauna and Little Chute, WI, to Outagamie County, WI, in Sub-Nos. 13 and 30; (f) from Appleton, WI to Outagamie County, WI, in Sub-No. 20; (g) and from Ft. Wayne, IN to Allen County, IN and Sheboygan, WI, to Sheboygan County, WI, in Sub-No. 32; (3) authorize radial service in place of one-way service in all subs between points located throughout the U.S. or various specified portions thereof; (4) remove originating and destined to restrictions in Sub-Nos. 2, 6, 8, 13, 20, 30, and 32; and (5) remove AK, WI, and HI exceptions in Sub-No. 20, and AK and HI in Sub-No. 33F.



MC 134970 (Sub-35)X, filed April 6, 1981. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, El Paso, IL 61738. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 12, 18, and 23F certificates to (1) broaden the commodity descriptions in all of the above authorities from agricultural pesticides and herbicides to "chemicals and related products"; (2) remove the restriction against commodities in bulk in Sub-Nos. 12 and 23F; (3) replace authority to serve a named plantsite at or near El Paso, IL, to Woodford County, IL, in all of the above Sub-Nos; (4) replace one-way authority with radial authority as follows: in Sub-No. 12, between Woodford County, IL, and points in IN, IA, MN, MO, NJ, NC, OH, and TN; in Sub-Nos. 18 and 23F, between Woodford County, IL, and points in the U.S.; (5) delete the restriction against service to AK and HI in Sub-Nos. 18 and 23F.

MC 135326 (Sub-30)X, filed April 7, 1981. Applicant: SOUTHERN GULF TRANSPORT, INC., Box 7959, Shreveport, LA 71107. Representative: Doug Wood, 2500 McCain Boulevard, Suite 103, North Little Rock, AR 72116. Applicant seeks to remove restrictions from its Sub-Nos. 3, 8, 10F, 13F, 15F, 16F, 17F, 19F, 21F, 24F, 25F, 26F, 27F, 28F, and 29F certificates to (A) broaden the commodity descriptions: (a) in Sub-No. 3, from (1) dry roofing granules, in bulk, (2) dry roofing granules, in bulk, and dry stone dust, in bulk, to "clay, concrete, glass or stone products and ores and minerals" (b) in Sub-No. 8, part (1), from lumber, particleboard and wood paneling to "lumber and wool products" (c) in Sub-Nos. 10F and 28F, from fertilizer to "chemicals and related products" (d) in Sub-No. 13F, from roofing granules to "clay, concrete, glass, or stone products and ores and minerals" (e) in Sub-No. 15F, from aluminum sulphate liquid to "chemicals and related products" (f) in Sub-No. 19F, from posts, poles, and pilings to "lumber and wood products" (g) in Sub-No. 26F, from limestone chalk to "ores and minerals" (h) in Sub-No. 27F, from roof granules, ground limestone, and materials, equipment and supplies used in the manufacture of those commodities to "clay, concrete, glass or stone products, ores and minerals, and materials, equipment and supplies used in the manufacture thereof (i) in Sub-No. 29F, hardboard and plywood to "lumber and wood products"; (2) delete the in bulk restriction in Sub-Nos. 3, 13F, 16F, 17F, 24F, 25F, 27F, and 28F; (3) delete the restriction against size and weight

commodities in Sub-No. 24F; (4) remove the restrictions limiting service to the transportation of traffic originating at or destined to named facilities and facilities limitations in Sub-Nos. 3, 8, 10F, 13F, 19F, 21F, 25F, and 26F; (5) replace authority to serve named points with county-wide authority: in Sub-No. 10F, Caddo Parish, LA (for Shreveport, LA); in Sub-No. 28F, Smith County, TX (for Tyler, TX); (6) replace existing one-way authority with radial authority: in Sub-No. 3, between (a) Pulaski County, AR and Shreveport, LA, (b) Glenwood, AR and Shreveport, LA, and (c) Pulaski County, AR and LA, KS, OK, and TX; in Sub-No. 13F, between Little Rock, AR and Dallas, TX; in Sub-No. 15F, between Shreveport, LA and AR, OK, and TX; in Sub-No. 17F, between Orleans and Jefferson Parishes, LA and AR, OK and TX; in Sub-No. 19F, between DeRidder, LA and AR, OK, and TX; in Sub-No. 26F, between Washington, AR and 46 States and D.C.; in Sub-No. 28F, between Smith County, TX and OK, AR, and LA; and in Sub-No. 29F, between Houston and Galveston, TX and TX, OK, AR, and LA.

MC 138174 (Sub-5)X, filed February 23, 1981, previously noticed in the Federal Register of March 18, 1981, republished as corrected in this issue. Applicant: JJ & JL CO., INC., d.b.a. JET AIR FREIGHT DELIVERY SERVICES, P.O. Box 20245, 6136 N.E. 87th Ave., Portland, OR 97220. Representative: Leland O. Johnson (same as applicant). Applicant seeks to remove the restrictions in its Sub-Nos. 1 and 3 certificates which authorize the transportation of general commodities, with certain exceptions, between Portland, OR and six Oregon Counties in Sub-No. 1, and between Portland, OR and Lane County, OR, and between Eugene and Salem, OR and eight Oregon Counties in Sub-No. 3, to (1) remove the restrictions which limit service to shipments having an immediately prior or subsequent movement by air in both certificates; and (2) delete facilities restrictions at Eugene, OR and Salem, OR in Sub-No. 3. The purpose of this republication is to include the removal of restrictions from applicant's Sub-No. 3 certificate.

MC 140273 (Sub-29)X, filed March 2, 1981, previously noticed in the Federal Register of March 20, 1981, republished as corrected in this issue. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55356. Representative: Val M. Higgins, 1600 TCF Towers, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-No. 7F certificate to (1) broaden commodity description from park equipment,

benches, tables, planters, litter receptives and finished redwood products to "lumber and wood products, and metal products", (2) replace city with county-wide authority from Delano, MN, to Wright and Hennepin Counties, MN, (3) remove an exception against transportation to and from AK to HI, and (4) change one-way authority to two-way authority between Wright County, MN, and, points in the United States. The purpose of this republication is to indicate that Delano, MN is properly expanded to Wright and Hennepin Counties, MN.

MC 140689 (Sub-17)X, filed April 10, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Road, Willoughby, OH 44094. Representative: David M. O'Boyle 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks to remove restriction in its Sub-No. 7F permit to (1) broaden the commodity description to "machinery" from electric motors and welders, truck parts and equipment, and materials and supplies used in the manufacture of welding equipment, and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 141914 (Sub-99)X, filed April 9, 1981. Applicant: FRANKS & SON, INC., Rt. 1, Box 109A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 36F, 42F, 43F, 46F, 48F, 54F, 61F, 77F, and 90F certificates to: (1) broaden the commodity descriptions from (a) molded pulp articles, and plastic and paper plates, knives, molded paper and expanded plastic products to "pulp, paper and related products and rubber and plastic products" in Sub-Nos. 36F and 48F; (b) molded pulp, peat or expanded or foamed plastic (polystyrene) products, and such articles and materials as are used in the manufacture and packaging to "pulp, paper and related products, rubber and plastic products, and peat products" in Sub-No. 42F; (c) molded or foamed plastic articles expanded (polystyrene), rubber products, plastic products, raw materials used in the manufacture of rubber and plastic products, rubber articles and plastic articles to "rubber and plastic products" in Sub-Nos. 43F, 46F, 77F and 90F; and (d) paper and paper products to "pulp, paper, and related products" in Sub-Nos. 54F and 61F; (2) remove the restrictions "in bulk, in tank vehicles" in Sub-No. 42F; and "in bulk" in Sub-No. 46F; (3) eliminate the

facilities limitations in Sub-Nos. 36F, 42F, 43F, 46F, and 48F; (4) expand city-wide to county-wide authority from Albertville to Marshall County, AL, in Sub-Nos. 36F and 48F; Gary to Lake County, IN, in Sub-Nos. 42F and 48F; New Iberia to Iberia Parish, LA, Fullerton to Orange County, CA, and Tray to Miami County, OH, in Sub-No. 42F; Irving to Dallas County, TX in Sub-No. 46F; Waterville to Kennebec County, ME in Sub-No. 48F; Dummerston, Bellows Falls, and Putney to Windham County, VT in Sub-Nos. 54F and 61F; and Tupperlake to Franklin County, NY in Sub-No. 77F; (5) change one-way to radial authority between points located throughout the U.S., and (6) remove the restrictions "AK and HI" in Sub-Nos. 42F, 46F, and 90F; and "originating at or destined to" in Sub-No. 46F.

MC 143280 (Sub-22)X, filed April 10, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 3804 Washington Avenue, South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 9F certificate to broaden the commodity description to "food and related products" from malt beverages, with radial operations between points in St. Louis County, MO, Milwaukee and LaCrosse Counties, WI, and St. Clair and Peoria Counties, IL, and points in MN.

[FR Doc. 81-12245 Filed 4-23-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register.

Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

#### Volume No. OPY-3047

Decided: April 15, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC-F-14584F, filed February 23, 1981. THE DAVIDSON TRANSFER & STORAGE CO. (DAVIDSON) (P.O. Box 58, Baltimore, MD 21203)—CONTINUANCE IN CONTROL—CONCARCO, INC. (CONCARCO) (698 Fairmount Ave., Baltimore, MD 21204). Representative: Robert C. Schuhmann, 698 Fairmount Ave., Baltimore, MD 21204. Davidson seeks authority to continue in control of Concarco, Inc., upon the institution by Concarco of operations in interstate or foreign commerce, as a motor common carrier. Barnett D. Davidson, David Davidson, and J. I. Davidson, seek authority to acquire control of rights through the transaction. Concarco has filed an application in MC-153164 Sub-2 to transport automobile parts and accessories, between Baltimore, MD, on the one hand, and, on the other, points in the U.S. Davidson presently holds authority from the Commission as a common carrier pursuant to Certificates issued in MC-69281 and Subs thereunder. Davidson also controls Davidson Forwarding Company (Forwarding) which conducts operations pursuant to Certificate issued in FF-328, to transport used household goods and unaccompanied baggage and used automobiles, between points in the U.S. (including HI but excluding AK).

*Note.*—Concarco has filed as a directly related application its initial common carrier application. This application, docketed No. MC-153164 Sub-2, is published in this same Federal Register issue.

Condition: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Barnett D. Davidson, David Davidson, and J. I. Davidson, stating that they are persons in control of transferee and that they join in this application.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12210 Filed 4-23-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980.

at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

#### Volume No. OPY-2-048

Decided: April 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 112593 (Sub-22), filed April 6, 1981. Applicant: SIDNEY W. JOHNSON, d.b.a. SOUTHWESTERN FILM SERVICE, 6767 Guadalupe Trail NW, Albuquerque, NM 87107. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264, (303) 861-4028. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 12982 (Sub-2), filed April 3, 1981. Applicant: WILCOX TRAVEL AGENCY, INC., 1705 Northwestern Bank Bldg., Asheville, NC 28801. Representative: Mr. Glenn W. Wilcox (same address as applicant), (704) 254-0748. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 150103 (Sub-13), filed March 31, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608-256-7444. 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 152793; filed April 3, 1981. Applicant: AMERICAN MOVING SERVICES, INC., 3100 Justin Dr., Urbandale, IA 50322. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, 206-235-1111. Transporting used household goods for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154492 (Sub-1), filed April 3, 1981. Applicant: FIRST TRUCK LINES, INC., 10 Kelly Ave., Dayton, OH 45404. Representative: E. H. van Deusen, P.O.

Box 97, Dublin, OH 43017. 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 155153, filed April 6, 1981. Applicant: S.D. TRANSPORT SERVICES, INC., 5301 North Cliff Ave., Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101 (605) 335-1777. As a broker of *general commodities* (except household goods), between points in the U.S.

#### Volume No. OPY-3-048

Decided April 15, 1981.

By The Commission, review Board No. 2, Members Carleton, Fisher and Williams (Williams not participating).

MC 99825 (Sub-7), filed April 6, 1981. Applicant: LUCIEN BISSON, INC., New Meadows Rd., West Bath, ME 04530. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525-4050. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 105774 (Sub-9), filed April 6, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 and U.S. Hwy 24, Osborne, KS 67473. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148084 (Sub-1), filed April 9, 1981. Applicant: WESLEY A. BRYAN, d.b.a. BRYAN MOVING & STORAGE, 5005 Cook Rd., Beltsville, MD 20705. Representative: James J. Fratino, P.O. Box 82, Edgewater, MD 21037, (301) 261-7228. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154824 (Sub-1), filed April 6, 1981. Applicant: DOUGLAS J. LAVERY, 12200 Shirley Lane, Alsip, IL 60658. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, (312) 332-0905. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 155184, filed April 6, 1981. Applicant: O-O NATIONAL BROKERS,

INC., P.O. Box 47407, 3000 Diamond Park Circle, 11th Fl., Dallas, TX 75247. Representative: J. R. Chesney (same address as applicant), (214) 634-1340. As a *broker of general commodities* (except household goods), between points in the U.S.

**Volume No. OPY4-088**

Decided: April 16, 1981.

By the Commission Review Board No. 2, Members Carlton, Fisher and Williams. (Williams not participating.)

MC 117327 (Sub-1), filed April 6, 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 *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155167, filed April 6, 1981. Applicant: AAA CARGO BROKERS, INC., 36 So. Main St., Sharon, MA 02067. Representative: Frank M. Cushman, Carbrey Ave., Sharon, MA 02067, (617) 784-6412. As a *broker of general commodities* (except household goods), between point in the U.S. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-12212 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

**Motor Carriers; Permanent Authority Decision; Decision-Notice**

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the

application to conform to the Commission's policy of simplifying grants of operating authority.

**Findings**

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Volume No. OPY-3033**

Decided: April 1, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 153315 (Sub-1), filed March 17, 1981. Applicant: GEO. McNEIL TRUCKING CO., a corporation, 700 West Erie St., Chicago, IL 60610. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *such commodities* as are dealt in or used by

retail department stores, under continuing contract(s) with J. C. Penny Company, Inc., of Elk Grove Village, IL. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by the motor carriers listed in No. MC-F-14600, which is published concurrently herewith.

Note.—This application is directly related to No. MC-F-14600, which is published in this same Federal Register issue.

MC 153610 (Sub-1), filed March 17, 1981. Applicant: LEASEWAY TRUCKING, INC., 880 North York Rd., Suite 1700, Elmhurst, IL 60126. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Carsons, Pirie, Scott & Company, Wieboldt Stores, Inc., and Central Can Company, all of Chicago, IL, and United States Tobacco Company, of Franklin Park, IL. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by the motor carriers listed in No. MC-F-14600, which is published concurrently herewith.

Note.—This application is directly related to No. MC-F-14600, which is published in this same Federal Register issue.

MC 153685 (Sub-1), filed March 17, 1981. Applicant: UNITED HOME DELIVERY, INC., 230 South Maple, South San Francisco, CA 94080. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with Weinstock's Division of Carter-Hawley-Hale, Inc., of Sacramento, CA, and H. S. Crocker, of San Bruno, CA. Restriction: The authority granted herein shall not be severable by sale or otherwise from the authority held by the motor carriers listed in No. MC-F-14600, which is published concurrently herewith.

Note.—This application is directly related to No. MC-F-14600, which is published in this same Federal Register issue.

Agatha L. Mergenovich, Secretary.

[FR Doc. 81-12237 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

**Motor Carriers; Permanent Authority Decision; Decision-Notice**

The following applications, filed on or after July 3, 1980, seek approval to

consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of

publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

#### Volume No. OPY-3032

Decided: April 1, 1981.

By the Commission Review Board No. 2, members Carleton, Fisher, and Williams.

MC-F-14600, filed March 17, 1981. LEASEWAY TRANSPORTATION CORP. (Leaseway) (3700 Park East Drive, Cleveland, OH 44122)—continuance in control—LEASEWAY TRUCKING, INC. (Trucking), (880 North York Rd., Elmhurst, IL 60126). GEORGE McNEIL TEAMING COMPANY (Teaming), (700 West Erie St., Chicago, IL 60610), and UNITED HOME DELIVERY, INC. (United), (230 South Maple, South San Francisco, CA 94080). Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. (216) 566-5639. Leaseway, a non-carrier, seeks authority to continue in control of Trucking, Teaming, and United upon the institution by Trucking, Teaming, and United of operations, in interstate or foreign commerce, as contract carriers. Leaseway, sole shareholder of Trucking, Teaming and United, seeks authority to acquire control of said rights and property through the transaction. Leaseway is a publicly held corporation, that controls Anchor Motor Freight, Inc. (MC 808), Gypsum Haulage, Inc. (MC 112113), Signal Delivery Service, Inc. (MC 108393), Sugar Transport, Inc. (MC 115924), Dedicated Freight Systems, Inc. (MC 139583), Custom Deliveries, Inc. (MC 142963), LDF, Inc. (MC 147101), Stam-Win, Inc. (MC 147294, and MC 150185), Pep Lines Trucking Co. (MC 120184 and MC 135280), Mitchell Transport, Inc. (MC 124212 and MC 152085), General Trucking Service, Inc. (MC 143308), Charlton Transport Limited (MC 141250), Vernon Equipment, Inc. (MC 150412), Max Binswanger Trucking (MC 116314), and Refiners Transport & Terminal Corporation (MC 50060). Max

Binswanger Trucking controls Balser Truck Co. (MC 96630), and Bulk Freightway (MC 125417). Refiners Transport & Terminal Corporation controls A. R. Gundry (MC 25562).

On November 17, 1980, Leaseway filed an application for continuance in control of Better Home Deliveries, Inc., which was assigned MC-F-14505 and published on February 24, 1981.

Condition: Leaseway, a non-carrier, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Leaseway need only file such special reports as the Commission may from time to time require. Leaseway is not made subject to the accounting requirements of 49 U.S.C. 11142.

*Note.*—Trucking, Teaming and United have filed directly related applications as initial contract carrier applications, docketed MC-153610 Sub 1, MC 153315 Sub 1 and MC 153665 Sub 1 respectively, published in this same Federal Register issue.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12256 Filed 4-22-81; 8:45 am]  
BILLING CODE 7035-01-M

#### [Ex Parte No. MC-43]

#### Lease and Interchange of Vehicles by Motor Carriers

Decided: April 9, 1981.

Milk Tank Lines, Inc., (No. MC-149412) and J. N. Carr Transport, Inc., (No. MC-150214) have filed a petition for waiver of Subpart B (Section 1057.11 and Section 1057.12) of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) except for paragraphs (b) and (c) of § 1057.11, with respect to equipment augmented between them.

#### Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if the waiver were granted.

#### *It is ordered:*

1. The petition of Milk Tank Lines, Inc., and J. N. Carr Transport, Inc., for partial waiver of Subpart B (Section 1057.11 and Section 1057.12) is granted, with respect to equipment augmented between them. Petitioners must continue to comply with paragraphs (b) and (c) of

Section 1057.11. Petitioners or their authorized representatives must agree in writing that control and responsibility for operating the equipment shall be in the lessee from the time lessee acquires the equipment until possession is returned to the lessor or the equipment is interchanged with another authorized carrier. A copy of the agreement must be carried in the vehicle while it is in the lessee's possession.

2. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12240 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request any payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: April 17, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC-F-14610, filed March 30, 1987. Review Board Number 3 approved the application of Powder River Motor Transport Corporation of Provo, UT to acquire control of Stout Corporation of Provo, UT. The Board also approved acquisition of control of Stout Corp. by Powder River Enterprises, Inc. (sole owner of Powder River Motor Transport Corp.) and in turn by Albert Crowson (sole owner of Powder River Enterprises, Inc.) through the transportation. Stout Corporation conducts operations pursuant to Permit

No. MC-126079 Sub-1, contract carrier, irregular routes, fabricated sections of steel storage tanks and field equipment used in the erection thereof, from Provo, UT to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Oregon, Washington & Wyoming; tools, equipment and surplus materials and supplies used in the erection of steel storage tanks, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington & Wyoming, under a continuing contract with Pittsburg Des Moines Steel Company; Permit No. MC-126079 Sub-3, contract carrier, irregular routes, fabricated sections of steel storage tanks, and field equipment used in the erection thereof, from Provo, UT to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, & Wyoming; tools, equipment and surplus materials and supplies used in the erection of steel storage tanks, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, & Wyoming, under a continuing contract with General American Transportation Company Plate and Welding Division; Permit No. MC-126079 Sub-7F, contract carrier, irregular routes, (1)(a) roofing products, insulation products, equipment and supplies used in the manufacture, distribution and installation of the commodities in (1)(a) above, from Cody, WY, Albuquerque, NM, and Phoenix and Nogales, AZ, and points in California, Oregon, Colorado, & Washington to points in Utah, and (2)(a) insulation products and (b) materials, equipment and supplies used in the manufacture, distribution and installation of the commodities in (2)(a) above, from points in Salt Lake County, UT to Phoenix, AZ, under a continuing contract with P-K Supply Company Division of Bird & Son, Inc.; Certificate of Convenience and Necessity No. MC-149578F, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government between points in the United States. Applicant's representative is: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transferee presently holds authority from this Commission as a contract carrier under Docket No. MC-143531. (Hearing site: Salt Lake City, UT.)

Note.—Application for TA has been filed.

MC-F-14604, filed March 23, 1981. Applicant and transferee: LISA MOTOR LINES, INC. (Lisa), P.O. Box 4550, Fort Worth, TX 76106. Transferor: P. & L.

MOTOR LINES, INC., P.O. box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Application to purchase. The operating rights sought to be acquired by Lisa Motor Lines, Inc. are contained in Permit and Certificates issued to P & L Motor Lines, Inc. in Permit MC-149470, and Certificates, MC-150311 and Subs 1F, 2F, 4F, 5F, 10F, 12F; MC-120581 Sub-2F. The authority sought to be transferred, generally, authorizes the transportation of *foodstuffs, beverages, drugs and metal & plastic articles*, between specified points in the United States. Lisa is authorized to operate as a contract carrier by motor over irregular routes, for numerous contracting shippers, throughout the United States pursuant to Permits MC-135861 and subs thereto. An application under Section 11349 seeking temporary operations has been filed. Charles E. Tidwell, president and sole stockholder and transferree, seeks authority to control the operating rights through the transaction. (Hearing site: Ft. Worth, TX.)

Note.—Transferee seeks to purchase various TA grants and several permanent applicants which are still pending before the Commission and are not subject to purchase in this proceeding. Applicants are advised to jointly file a petition for substitution in the proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12241 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Application for motor contract carrier authority are those where service is for a named shipper "under contract".

### Volume No. OP1-122

Decided April 13, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 33641 (Sub-164), filed April 6, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (801) 972-7263. Transporting *such commodities* as are dealt in by manufacturers and distributors of

games, toys, athletic and sporting goods, between points in the U.S., under continuing contract(s) with Wham-O Manufacturing Company, of San Gabriel, CA.

MC 33970 (Sub-25), filed April 6, 1981. Applicant: GEORGE HILDEBRANDT, INC., R. D. No. 4, Hudson, NY 12534. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd. Fairfield, NJ 07006 (201) 575-7700. Transporting *chemicals*, between points in NY, NJ, CT, PA, and MA.

MC 37070 (Sub-6), filed March 31, 1981. Applicant: STEVEN CVETAN AND JOSEPH CVETAN d.b.a. CVETAN BROS. R.F.D. No. 1, Ringoes, NJ 08551. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561-1030. Transporting *commodities in bulk*, between Baltimore, MD, and points in PA, on the one hand, and, on the other, points in NJ, and NY.

MC 47171 (Sub-209), filed April 6, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879-2101. Transporting *general commodities* [except classes A and B explosives], between points in AL, on the one hand, and, on the other, points in GA.

MC 52460 (Sub-321), filed April 6, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) 918) 446-4434. Transporting *food and related products*, between St. James Parish, LA, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, MS, MO, NE, NC, NM, OK, SC, TN, TX, VA, and WI.

MC 52460 (Sub-323), filed April 8, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 34th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *general commodities* (except classes A and B explosives), between points in Comanche County, OK, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, IA, LA, MO, MS, NC, NE, NM, SC, TN, and TX.

MC 52460 (Sub-325), filed April 6, 1981. Applicant: ELLEX TRANSPORTATION, INC. P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446-4434. Transporting *general commodities* (except classes A and B explosives), between points in Jackson County, MO,

on the one hand, and, on the other, points in AL, AR, CA, GA, IA, IL, KS, LA, MS, NC, NE, OK, SC, TN, and TX.

MC 52921 (Sub-41), filed April 3, 1981. Applicant: RED BALL, INC., 801 North Mission P.O. Box 520, Sapulpa, OK 74066. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135 (918) 496-3122. Transporting *general commodities* (except classes A and B explosives), between points in AR, CO, KS, LA, MS, MO, NE, NM, OK, and TX.

MC 52921 (Sub-42), filed April 6, 1981. Applicant: RED BALL, INC., 801 North Mission, P.O. Box 520, Sapulpa, OK 74066. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135 (918) 496-3122. Transporting (1) *pulp, paper, and related products*, (2) *printed matter*, and (3) *machinery*, between points in Tulsa and Creek Counties, OK, on the one hand, and, on the other, points in the U.S.

MC 60271 (Sub-19), filed April 2, 1981. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts (same address as applicant) (318) 396-2914. Transporting *building materials and lumber and wood products*, between points in Bossier, Cado, Union and Winn Parishes, LA, and Union County, AR, on the one hand, and, on the other, points in AR, LA, MS, OK, and TX.

MC 70691 (Sub-1), filed April 1, 1981. Applicant: ARTHUR WERNER MOVING & STORAGE, INC., 78-05 67th Road, Middle Village, NY 11379. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 463-0044. Transporting *household goods*, between points in NY, on the one hand, and, on the other, points in ME, NH, MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, NC, OH, IN, IL, SC, GA, FL, and DC.

MC 114890 (Sub-110), filed April 6, 1981. Applicant: COMMERCIAL CARTAGE CO., a Corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034 (405) 348-7700. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with AMAX, Inc., of Greenwich, CT.

MC 119700 (Sub-78), filed April 6, 1981. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221-1464. Transporting *metal products*, between points in Madison County, NE, on the one hand, and, on the other, points in

AR, IL, IN, KS, KY, MO, OH, OK, PA, and TN.

MC 126000 (Sub-4), filed April 2, 1981. Applicant: CHARLES SOJOURNER, d.b.a. SOJOURNER TRUCKING COMPANY, 400 Newton St., Crystal Springs, MS 39059. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205 (601) 969-3424. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Klumb Lumber Company, of Crystal Springs, MS.

MC 127791 (Sub-7), filed April 3, 1981. Applicant: WELLS CARTAGE LTD. 13200 Rice Mill Road, Richmond, B.C. Canada V6W 1A1. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235-1111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with C P Ships Container Services, of Vancouver, B.C. Canada.

MC 129410 (Sub-26), filed April 6, 1981. Applicant: BONCOSKY TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Standard Brands, Incorporated, of New York, NY.

MC 135691 (Sub-61), filed April 7, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506 (402) 489-3585. Transporting *such commodities* as are dealt in by home improvement centers, between points in the U.S., under continuing contract(s) with Color Tile Supermart, Inc., of Fort Worth, TX.

MC 135691 (Sub-62), filed April 6, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Dr., Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506 (402) 489-3585. Transporting *rubber and plastic products*, between points in Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 138741 (Sub-128), filed March 27, 1981. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, P.O. Box 258, Liberty, MO 64068, (816) 781-6000. Transporting *general commodities* (except classes A and B explosives), between the facilities of Jim Walter Corporation and the Celotex Corporation at points in AL, AR, CO,

GA, IN, IL, IA, KS, KY, LA, MI, MN, MO, MS, NE, NC, OH, OK, PA, SC, SD, TN, TX, WV, and WI, on the one hand, and, on the other, points in the above named States.

MC 142311 (Sub-3), filed April 6, 1981. Applicant: QUALITY STEAKS TRANSPORTATION CO., INC., 5100 Race Court, Denver, CO 80216. Representative: Jack B. Wolfe, 655 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203, (303) 839-5856. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by restaurants, between points in the U.S., under continuing contract(s) with Cork'n Cleaver, d.b.a. Pride Food Service, of Denver, CO.

MC 144140 (Sub-56), filed April 2, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant), (904) 357-1300. Transporting *petroleum, natural gas and their products*, between points in LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 144630 (Sub-56), filed April 6, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *such commodities* as are dealt in by manufacturers and distributors of clothing, between points in the U.S., under continuing contract(s) with Levi Strauss & Co., of Florence, KY.

MC 146821 (Sub-6), filed April 6, 1981. Applicant: RON BESTEMAN TRANSPORT, INC., 2240 Byron Center Rd., S.W., Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* (except classes A and B explosives), between the facilities of Henry House, Inc., at points in IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, TN, VA, and WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, NY, OH, PA, TN, VA, and WI.

MC 147571 (Sub-2), filed April 2, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Armory Dr., South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603, (312) 236-9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with



Packers' Cold Storage, Inc., of Fullerton, CA.

MC 148281 (Sub-14), filed April 6, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277-2323. Transporting *food and related products*, between points in Chelan and Yakima Counties, WA, and Los Angeles County, CA, on the one hand, and, on the other, points in AZ, CA, CO, KS, NM, OH, OK, OR, TX, and UT.

MC 148620 (Sub-10), filed April 6, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024.

Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30043, (404) 658-8045.

Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA.

MC 149100 (Sub-10), filed March 31, 1981. Applicant: JIM PALMER TRUCKING, INC., 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892-6700. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Broadview Lumber Co., Inc., of Carthage, MO.

MC 150060 (Sub-9), filed April 6, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Scott Paper Co. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150251 (Sub-1), filed February 10, 1981, and previously noticed in Federal Register issue of March 16, 1981. Applicant: COURTESY CARTAGE COMPANY, a corporation, 24711 Sherwood Ave., Centerline, MI 48015. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household appliances, between points in the U.S., under continuing contract(s) with General Electric Company, of Fairfield, CT.

Note.—This republication clarifies the commodity description.

MC 150420 (Sub-4), filed March 31, 1981. Applicant: WES-FLO CO., INC.,

P.O. Box 17401, Tampa, FL 33082. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425-2213. Transporting *general commodities* (except classes A and B explosives) between points in FL.

MC 152411 (Sub-1), filed April 1, 1981. Applicant: EMANON TRANSPORTATION SERVICES, INC., 141 Lincoln St., Exeter, PA 18643. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761-0520. Transporting *general commodities* (except classes A and B explosives), between points in Luzerne, PA, on the one hand, and, on the other, points in the U.S.

MC 154910 (Sub-1), filed April 1, 1981. Applicant: M & S CARTAGE, INC., P.O. Box 117, Cottontdale, AL 35453. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *commodities in bulk*, between points in Tuscaloosa County, AL, 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 155011, filed March 30, 1981. Applicant: SHELBY ONE, INC., 1049 N. Main St., Sidney, OH 45385. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *transportation equipment*, between points in OH, on the one hand, and, on the other, points in the U.S.

MC 155171, filed April 8, 1981. Applicant: CAROLINA MOTOR CLUB, INC., d.b.a. WORLD TRAVEL AGENCY, 720 East Morehead Street, Charlotte, NC 28202. Representative: T. E. Pickard, Jr. (same address as applicant), (704) 377-3600. As a *broker*, at Charlotte, NC, in arranging for the transportation of *passengers and their baggage*, in charter operations, between points in the U.S., including AK and HI.

MC 155051, filed March 31, 1981. Applicant: COATS & CLARK SALES CORPORATION, 2915 Northeast Parkway, Doraville, GA 30362. Representative: Norman L. Underwood, 3400 Peachtree Rd., Suite 1525, Atlanta, GA 30326, (404) 266-1650. Transporting *such commodities* as are dealt in by wholesale or retail sewing and fabric stores, between points in the U.S., under continuing contract(s) with Cloth World, of Amarillo, TX.

MC 155180, filed April 8, 1981. Applicant: A. I. MERCHANT'S TRUCKING CO., INC., 13426 Imperial Hwy., Santa Fe Springs, CA 90670. Representative: Bert H. Washington (same address as applicant), (213) 921-0664. Transporting *food and related*

*products* between points in the U.S., under continuing contract(s) with Mission Mexican Food Products, Inc., of Canoga Park, CA.

#### Volume No. OPY-3-041

Decided: April 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams

MC 1824 (Sub-131), filed April 1, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant), (301) 673-7151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 95084 (Sub-172), filed April 1, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 826-8154. Transporting *general commodities* (except classes A and B explosives), between the facilities of Valmont Industries, Inc., and its wholly-owned subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 95084 (Sub-173), filed April 1, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting *metal products and machinery*, between points in Dodge County, MN, on the one hand, and, on the other, points in the U.S.

MC 95864 (Sub-1), filed April 2, 1981. Applicant: PENN HIGHWAY TRANSIT COMPANY, 825 East Chestnut Street, Lancaster, PA 17604. Representative: Jeremy Kahn, 1511 K Street, N.W., Suite 733, Investment Building, Washington, DC 20005, (202) 783-3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Lancaster County, PA and extending to points in the U.S. (including AK but excluding HI).

MC 105865 (Sub-5), filed April 2, 1981. Applicant: SMART TRUCK LINE, INC., P.O. Box 74, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *food and related products*, and *chemicals and related products*, between points in IA, KS, MO, NE, and OK.

MC 112854 (Sub-40), filed February 11, 1981, previously noticed in the Federal Register on March 19, 1981. Applicant: HOLLEBRAND TRUCKING, INC., P.O. Box 164, Ontario Center, NY 14520.

Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265-9510. Transporting (1) *food and related products*, and (2) *ice*, between points in Cattaraugus, Chautauqua, Erie, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

Note.—This republication corrects the commodity description to include ice.

MC 127974 (Sub-28), filed March 31, 1981. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215)-561-1030. Transporting *general commodities* (except classes A and B explosives), between points in Baltimore County, MD, on the one hand, and, on the other, Norfolk, VA.

Note.—Applicant proposes to tack the proposed authority with its existing regular route operating rights.

MC 139235 (Sub-4), filed April 2, 1981. Applicant: MAYNARD NADLER, 113 West Corning, Peotone, IL 60468. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *containers*, and *handles and closures* for containers, between points in the U.S., under continuing contract(s) with Bennett Industries, Division of Growth International Industries Corporation, of Peotone, IL.

MC 139615 (Sub-37), filed April 2, 1981. Applicant: D.R.S. TRANSPORT, INC., P.O. Box 29, Oskaloosa, IA 52577. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *grain drying equipment and grain bins*, between points in the U.S., under continuing contract(s) with Shivvers, Incorporated, of Corydon, IA.

MC 140104 (Sub-10), filed April 2, 1981. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Rd., Toledo, OH 43613. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215, (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of foodstuffs, between points in Middlesex County, NJ, on the one hand, and, on the other, points in the U.S.

MC 140125 (Sub-3), filed April 2, 1981. Applicant: SCHUSTER GRAIN COMPANY, INC., P.O. Box 616, Le Mars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *general commodities* (except classes A and B explosives), between the facilities

of International Multifoods Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S. Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 140484 (Sub-92), filed April 2, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296-3555. Transporting *food and related products*, between points in Lapeer County, MI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 145544 (Sub-10), filed April 3, 1981. Applicant: W. & M. INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Du-Well Fabricating & Engineering Co., of Alsip, IL.

MC 145544 (Sub-11), filed April 3, 1981. Applicant: W. & M. INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials and supplies, between points in the U.S. under continuing contract(s) with Sonneborn Building Products, a Division of Contech, Inc., of Minneapolis, MN.

MC 145914 (Sub-17), filed April 2, 1981. Applicant: COASTAL TRUCK LINE, INC., P.O. Box 600, How Lane, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432-0940. Transporting *alcoholic liquors*, between points in the U.S. under continuing contract(s) with Bacardi Imports, Inc., of Miami, FL.

MC 152065, filed March 31, 1981. Applicant: McCOURT TRANSPORTATION CO., INC., 303 Hopkins Street, Buffalo, NY 14220. Representative: Robert D. Gunderman, Suite 710, Statler Building, Buffalo, NY 14202, (716) 854-5870. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in Erie County, NY, on the one

hand, and, on the other, points in PA under continuing contract(s) with the Veterans' Administration Medical Center, of Buffalo, NY.

MC 153684 (Sub-1), filed April 2, 1981. Applicant: THOMAS J. BUENEMAN TRUCKING, INC., Route 2, Wright City, MO 63390. Representative: Willard C. Reine, 314 East High St., Jefferson City, MO 65101, (314) 634-3355. Transporting (1) *wood and wood products*, between points in Warren County, MO, on the one hand, and, on the other, points in AR, IL, OK, KS, and TX; and (2) *leather and leather products, vinyl and vinyl products, paper and paper products, and foam products*, between points in Warren County, MO, on the one hand, and, on the other, points in PA, OH, VA, NC, IL, TX, KY and IN.

MC 154905, filed March 9, 1981. Applicant: WEIDHASS TRAVEL, 4420 Westfield Ave., Pennsauken, NJ 08110. Representative: Robert J. Weidhass (same address as applicant), (609) 665-2877. As a *broker*, at Pennsauken, NJ, in arranging for the transportation of *passengers and their baggage*, (a) between points in NJ and PA, on the one hand, and, on the other, points in the U.S., and (b) between points in MA, NY, VA, and FL, on the one hand, and, on the other, points in the U.S.

MC 155075, filed April 2, 1981. Applicant: KENNETH KANGAS, d.b.a. KEN'S TRANSPORT, 17444 G.A.R. Highway, Huntsburg, OH 44046. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215 (614) 228-8575. Transporting (1) *building materials*, and (2) *sand and stone products*, between points in Geauga and Portage Counties, OH, on the one hand, and, on the other, points in PA, NY, WV, KY, IN, IL, and MI.

MC 155058, filed April 2, 1981. Applicant: PARKLAND ENTERPRISES, INC., 228 176th Terrace, Redington Shores, FL 33708. Representative: John L. Tevlin (same address as applicant), (813) 391-3338. Transporting (1) *newsprint*, and (2) *paper and related products*, between points in Laurens County, GA, McMinn County, TN, York County, SC, and Pinellas and Broward Counties, FL.

#### Volume No. OPY-3-044

Decided: April 14, 1981.

By the Commission, Review Board No. 2 Members Carleton, Fisher and Williams.

MC 2934 (Sub-103), filed April 6, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875-1142.

Transporting *furniture, lighting fixtures, plastic articles, paper and related products*, between the facilities of Scott Paper Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 46054 (Sub-84), filed April 6, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Jack Dawson (same address as applicant) (512) 226-5391. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Henkel Corporation, of Minneapolis, MN.

MC 52704 (Sub-293), filed April 3, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting (1) *plastic articles and related products*, (2) *outdoor furniture and related products*, (3) *outdoor lanterns*, and (4) *plastic or foam scrap*, between points in the U.S.

MC 53965 (Sub-190), filed April 6, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 1387, Salina, KS 67401. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234-0565. Transporting *general commodities* (except classes A and B explosives), between Shawnee, KS, on the one hand, and, on the other, points in the U.S.

MC 99655 (Sub-2), filed April 6, 1981. Applicant: M. DeFAZIO TRANSPORTATION CO., INC., 1 Mnsgr. O'Brien Hwy, Cambridge, MA 02139. Representative: Michael DeFazio, Jr. (same address as applicant) (617) 742-8480. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, RI, VT, ME, and NH.

MC 125335 (Sub-122), filed April 6, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501 (402) 474-6763. Transporting *amusement and electronic equipment and games*, between points in Volusia County, FL, on the one hand, and, on the other, points in the U.S.

MC 126904 (Sub-43), filed April 6, 1981. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735-3090. Transporting *such commodities* as are dealt in and used by manufacturers of paper, paper products

and specialty chemicals, between the facilities used by Westvaco Corporation, its affiliates and subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145544 (Sub-9), filed April 3, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IL 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *machinery*, between points in the U.S.

MC 151444 (Sub-1), filed April 6, 1981. Applicant: ROBERT A. AND VIVIAN D. CARPENTER, d.b.a. RAC TRANSPORT COMPANY, 747 West White, Grand Junction, CO 81501. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dowell, Div. of The Dow Chemical Company, U.S.A., of Denver, CO, Filtrol Corporation, and Pabco Insulation Div. of Louisiana-Pacific Corp., both of Fruita, CO.

MC 151504 (Sub-4), filed March 24, 1981. Applicant: PHELCO, INC., 11841 Missouri Bottom Road, St. Louis, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramee, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *such commodities* as are dealt in by chain grocery and food business houses, between points in AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, NE, NY, NC, NJ, OH, OR, PA, RI, SC, TN, TX, VA, and WV.

MC 154494 (Sub-2), filed April 6, 1981. Applicant: MIDWEST CONTINENTAL, INC., 5200 Highway 75 North, Sioux City, IA 51102. Representative: Richard D. Frank (same address as applicant), (712) 239-1613. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S.

MC 124905 (Sub-8), filed April 7, 1981. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *cement*, between points in the U.S., under continuing contract(s) with Smithtown Concrete Products Corporation, of Long Island, NY.

MC 155004 (Sub-1), filed April 6, 1981. Applicant: JOSPEH LAND AND CO., INC., West Central Ave., P.O. Drawer 3310, Lake Wales, FL 33853. Representative: M. Craig Massey, 215 East Lime Street, P.O. Drawer 1109, Lakeland, FL 33802, (813) 682-1178. Transporting *such commodities* as are manufactured by the food processing

industry, between points in the U.S., under continuing contract(s) with Tropicana Products, Inc., of Bradenton, FL.

MC 155055, filed March 31, 1981. Applicant: OLD WEST TOURS, INC., 180 South Cache Street, P.O. Box 371, Jackson, WY 83001. Representative: James T. Wallace (same address as applicant), (415) 673-3333. As a *broker*, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 155154, filed April 6, 1981. Applicant: A. T. STEPHENS ENTERPRISES, INC., 5912 New Kings Road, P.O. Box 41123, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Building, 311 W. Duval Street, Jacksonville, FL 32202, (904) 353-9707. Transporting *general commodities* (except classes A and B explosives), between points in Duval County, FL, on the one hand, and, on the other, points in FL, GA, NC, SC, TN and AL.

#### Volume No. OPY5-36

Decided: April 15, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31879 (Sub-43), filed March 27, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *such commodities*, as are dealt in or used by retail clothing stores, between points in IA, MO, KS, NE, Boone and Carroll Counties, AR; Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers and Baca Counties, CO; Laramie and Goshen Counties, WY; St. Louis, MO, and those points in IL in the St. Louis, MO, commercial zone, and those in Cook, Kane, DuPage, Rock Island and Will Counties, IL, those points in that part of IL bounded on the west by the Mississippi River, and on the east, north and south by a line beginning at Chester, IL and extending along IL Hwy 150 to junction IL Hwy 154, then along IL Hwy 154 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction IL Hwy 15, then west along IL Hwy 15 to junction IL Hwy 127, then north along Hwy 127 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction U.S. Hwy 51, then north along U.S. Hwy 51 to Decatur, IL, then west along U.S. Hwy

36 to Springfield, IL, then along combined U.S. Hwy 36 and 54 to junction U.S. Hwy 36, and then along U.S. Hwy 36 to the Mississippi River, including points on the indicated portions of the highways specified, and those points in that part of New Mexico in and on a line beginning at the northwest corner of Colfax County, NM, at the Colorado-New Mexico state line and extending along the western boundary of Colfax County to the western boundary of Mora County, then along the western boundary to the boundary of Santa Fe County, NM, then a northerly and westerly direction along the Santa Fe County boundary to the boundary of Los Alamos then in a northerly and westerly direction along the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County, then along the Santa Fe County boundary to junction combined U.S. Hwy 85 and Interstate Hwy 25, then along combined U.S. Hwy 85 and Interstate Hwy 25 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the New Mexico-Texas state line, and then along the New Mexico state line in a northerly and westerly direction to Colfax, NM.

MC 111548 (Sub-33), filed April 2, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in NC and SC, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 111548 (Sub-34), filed April 2, 1981. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004, 202-628-4600. Transporting *general commodities* (except classes A and B explosives), between points in VA, KY, TN, GA, and WV, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 121658 (Sub-38), filed March 27, 1981. Applicant: STEVE D. THOMPSON TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, 601-948-8820. Transporting *general commodities* (except classes A and B explosives) serving points in Ascension, Assumption, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville,

Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana Parishes, LA, as off-route points in connection with applicant's authorized regular-route operations.

MC 134798 (Sub-7), filed March 26, 1981. Applicant: BLAIR CARTAGE, INC., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215, 614-224-2477. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 144188 (Sub-27), filed April 31, 1981. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233-5731. Transporting *floor covering accessories*, between points in DeKalb and Rockdale Counties, GA, on the one hand, and, on the other, points in the U.S. (except AK, HI, AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY).

MC 146499 (Sub-5), filed April 1, 1981. Applicant: R. LEON PETERSON TRUCKING, INC., P.O. Box 489, Spanish Fork, UT 84660. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, 202-463-6044. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with World-Wide Transportation Services, Inc., of Romulus, MI.

MC 148158 (Sub-12), filed April 30, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract with Trans-Am Shippers Cooperative Association, Inc., of Chicago, IL.

MC 151079 filed March 25, 1981. Applicant: ALL WAY SERVICES, INC., d.b.a. MUSIC LINE SERVICES, 8827 West Flagg Ave., Milwaukee, WI 53225. Representative: Gary William Clevon, 2503 North Cramer St., Milwaukee, WI 53211, 414-277-0433. Transporting *passengers and their baggage*, in special and charter operations, on round trip sightseeing or pleasure tours, beginning and ending at Milwaukee, WI and

extending to Popular Creek Music Theater (near Hoffman Estates), IL, and, Marriott's Great America (near Gurnee), IL.

MC 152829 filed April 2, 1981. Applicant: OTIS L. THOMPSON, 121 E. Ash, Watseka, IL 60970. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703, 217-528-8476. Transporting (1) *waste or scrap materials not identified by industry producing*, between points in De Kalb and Iroquois Counties, IL, Marion County, IN, St. Louis County, MO, and Hardin County, KY, on the one hand, and, on the other, points in WI, OH, and MI, and (2) *pulp, paper and related products*, between points in WI, OH, and MI, on the one hand, and, on the other, points in Iroquois County, IL.

MC 154448 (Sub-1), filed April 27, 1981. Applicant: HEMPSTEAD LIMOUSINE SERVICE CORP., 20 Sterling Place, Hempstead, NY 11550. Representative: Harold Sacks, 19 West 44th St., New York, NY 10036, 212-869-0960. Transporting *passengers and their baggage*, in special and charter operations, on round trip sightseeing or pleasure tours, beginning and ending at points in New York, NY, and points in Westchester and Suffolk Counties, NY, and extending to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL, and DC.

MC 155058 filed April 1, 1981. Applicant: LEEK TRUCKING, INC., 89 Gilchrist Rd., Mogadore, OH 44260. Representative: William J. Ross, 406 Belden Tower, 4450 Belden Village Street, NW., Canton, OH 44718, 216-492-7858. Transporting (1) *coal and coal products*, and (2) *ores and minerals*, between points in the U.S., under continuing contract(s) with Dundee Cement Company of Dundee, MI, and Michigan Gypsum Co., of Saginaw, MI. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-12158 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 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-2-047

Decided: April 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 2232 (Sub-17F), filed April 6, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Road & Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompore, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 58923 (Sub-67), filed April 6, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, Ga 30315. Representative: William W. West (same as applicant), (404) 627-7331. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) United Freight, Inc., of Morrow, GA and (b) Distribution Services of America, of Boston, MA, and their subsidiaries and affiliates.

MC 64932 (Sub-620), filed April 6, 1981. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236-9375. Transporting *commodities, in bulk*, between points in the U.S., under continuing contract(s) with Amoco Chemical Corporation, of Chicago, IL.

MC 77972 (Sub-43), filed April 6, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205, 601-948-8820. Transporting *metal products*, between points in Union County, MS, and points in AL, AR, AZ, CA, CO, IL, LA, MN, MO, NJ, NY, OH, PA, SC, TN, TX, VA, and WI.

MC 117303 (Sub-19), filed April 6, 1981. Applicant: HUDSON VALLEY CEMENT LINES, INC., Route 23B, Claverack, NY 12513. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575-7700. Transporting *clay, concrete, glass or stone products*, between points in PA, on the one hand, and, on the other, points in Greene County, NY.

MC 124813 (Sub-236), filed April 6, 1981. Applicant: UMHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *such commodities* as are dealt in by manufacturers and distributors of fertilizers, feeds,

minerals, and chemicals, between points in the U.S.

MC 125433 (Sub-470F), filed April 6, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Transporting (1) *metal products*, and (2) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in Barton, Sedgewick, Shawnee and Wyandotte Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-471), filed April 6, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), (801) 973-4242. Transporting *lumber and wood products*, between points in Beltrami County, MN, on the one hand, and, on the other, points in the U.S.

MC 129903 (Sub-19), filed April 6, 1981. Applicant: EMPORIA MOTOR FREIGHT, INC., Route 5, Box 1103, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767-5600. Transporting *such commodities* as are dealt in or used by distributors and manufacturers of heating and cooling equipment between Kansas City, MO, Chicago, IL, Cleveland, OH, and points in Grundy County, MO, Lyon County, KS, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 135052 (Sub-39), filed April 7, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, (317) 639-4511. Transporting *pulp, paper and related products*, between points in Montgomery and Franklin Counties, OH, on the one hand, and, on the other, points in and east of SD, ND, NE, KS, OK, and TX.

MC 136123 (Sub-24), filed April 6, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), (813) 722-0506. Transporting *such commodities* as are dealt in by the bakery industry, between the facilities of Lewis Brothers Bakery, Inc., at points in the U.S., and points in IN, IL, MO, TN, FL, GA, KS, PA, IA, AR, OK, LA, and KY.

MC 138242 (Sub-6), filed April 6, 1981. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Rd., Tulsa, OK 74110.

Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135, (918) 496-3122. Transporting (1) *forest products*, (2) *lumber or wood products*, (3) *pulp, paper and related products* and (4) *machinery*, between points in the U.S., under continuing contract(s) with Down River Forest Products, Inc., of Waco, TX.

MC 139243 (Sub-3F), filed March 31, 1981. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Ave., North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. Transporting *salt and salt products*, between Cincinnati, OH, on the one hand, and, on the other, points in IN, IL, KY, MI, MO, OH, PA, TN, CA, and WV.

MC 140273 (Sub-32), filed April 6, 1981. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels St., Long Lake, MN 55358. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *food and related products*, between points in Towner and Cavalier Counties, ND and Minneapolis, MN, on the one hand, and, on the other, points in the U.S.

MC 141512 (Sub-2), filed April 6, 1981. Applicant: HOMER'S, INC., 10554 West Donges St., Milwaukee, WI 53224. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *such commodities as are dealt in or used by manufacturers and distributors of trailers, wrecker bodies, and car carriers*, between points in Waukesha County, WI, on the one hand, and, on the other, points in the U.S.

MC 142603 (Sub-45), filed April 6, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant), (413) 732-6283. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Tire & Rubber Company, of Akron, OH.

MC 144822 (Sub-4F), filed March 26, 1981. Applicant: WINTZ TRANSPORTATION CO., P.O. Box 43098, St. Paul, MN 55164. Representative: K. L. Mehlhoff (same address as applicant), 612-646-1828. Transporting *general commodities* (except classes A and B explosives), between points in Dakota, Washington, Ramsey, Hennepin, Anoka and Carver Counties, MN, on the one hand, and, on the other, points in Williamson County, IL.

MC 145123 (Sub-1), filed April 2, 1981. Applicant: PAUL ZIRKLE d.b.a. ZIRKLE TRUCK LINE, 9021 SW 79th St., Auburn, KS 66402. Representative: Clyde N. Christy, KS Credit Union Bldg., 1010 Tyler, Ste. 110L, Topeka, KS 66612, (913) 233-9629. Transporting *such commodities as are dealt in or used by manufacturers, processors, and distributors of metal products, plastic pipe and pipe fittings, couplings, connections, and accessories, and fiberglass products*, between points in IL, IN, IA, KS, MI, MO, MN, NE, ND, SD, and WI.

MC 145503 (Sub-5), filed April 1, 1981. Applicant: ART ANDERSON, INC., P.O. Box 138, Oakford, IL 62673. Representative: Leslieann G. Maxey, 907 South Springfield, IL 62703. Transporting *commodities in bulk* between points in IL, IA, MO, IN, and WI.

MC 145742 (Sub-6), filed April 6, 1981. Applicant: BOLES TRUCKING, INC., R.R. No. 1, Ina, IL 62846. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with The General Tire & Rubber Company, of Akron, OH.

MC 147032 (Sub-5), filed April 6, 1981. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9358, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739-4860. Transporting *general commodities*, (except classes A and B explosives) between Boston, MA, New York, NY, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Charleston, SC, and Wilmington, NC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 151102F filed April 2, 1981. Applicant: FRANKFORD LIMO SERVICE, 837 Pinecrest Ave., Girard, OH 44420. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 412-471-1800. Transporting *railroad personnel and their equipment in special operations*, between points in the U.S., under continuing contract(s) with Consolidated Rails Corporation, of Philadelphia, PA.

MC 151383 (Sub-5F), filed April 1, 1981. Applicant: NICKEL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St. Tulsa, OK 74103, 918-583-9000. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Mapco, Inc. of Tulsa, OK.

MC 151653 (Sub-6F), filed April 6, 1981. Applicant: GLOSSON ENTERPRISES, INC., Route 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005 (202) 437-9332. Transporting *general commodities* (except classes A and B explosives) between points in NC, SC, and GA, on the one hand, and, on the other, points in the U.S.

MC 152003, filed March 10, 1981. Applicant: R. HULL ENTERPRISES, 731 South Harmony Rd., Newark, DE 19713. Representative: Richard M. Hull (same address as applicant) 302-737-2676. Transporting (1) *rubber and plastic products*, (2) *pulp, paper and related products*, (3) *chemicals and related products*, and (4) *textile mill products*, between points in NJ, PA, DE, OH, WV, MD, VA, NC, SC, GA, TN, TX, and CA.

MC 152903 (Sub-2), filed April 7, 1981. Applicant: P & H TRUCKING, INC., 3600 W. 127th St., Alsip, IL 60406. Representative: Wulf Petersen, 43W225 Blue Larkspur, Elburn, IL 60119 (312) 365-9535. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Gary Steel Supply Co., of Alsip, IL.

MC 153833 (Sub-1), filed April 6, 1981. Applicant: POWELL-CHRISTENSEN, INC., d.b.a. GENERAL TRANSPORT CO., 501 East Main, Grandview, WA 98930. Representative: Boyd Hartman, PO B 3641, Bellevue, WA 98009 (206) 453-0312. Transporting *commodities in bulk*, between points in WA, on the one hand, and, on the other, points in OR.

MC 155112F, filed April 2, 1981. Applicant: THE ARMS TRUCKING CO., 13584 Aquilla Rd., Chardon, OH 44024. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting *building materials, sand and stone products*, between Geauga and Portage Counties, OH, on the one hand, and, on the other, points in PA, NY, WV, KY, IN, IL, and MI.

MC 155152, filed April 6, 1981. Applicant: ROBERT L. MOODY, d.b.a., R. L. MOODY TRUCKING, Box 126, Comstock, NE 68828. Representative: Robert A. Wichser, 920 West 21st St., P.O. Box 155, South Sioux City, NE 68776 (402) 494-5466. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Staab Welding & Repair, of Arcadia, NE, and (b) C. & A. Lumber Co., of Westerville, NE.

Volume No. OPY-3-045

Decided: April 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Williams not participating.)

MC 1515 (Sub-298), filed April 6, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 284-2942. Over regular routes, transporting *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, Between Buellton, CA, and junction CA Hwy 154, and U.S. Hwy 101, from Buellton over CA Hwy 246 to junction CA Hwy 154, and then over CA Hwy 154 to junction U.S. Hwy 101, south of Goleta, and return over the same route, serving all intermediate points.

MC 14215 (Sub-96), filed April 7, 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 *chemicals and related products, metal products, and ores and minerals*, between points in Mason County, WV, Guernsey County, OH, and Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 26825 (Sub-62), filed April 6, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *furniture and fixtures*, between points in VA, on the one hand, and, on the other, points in AZ, CA, and NV.

MC 67234 (Sub-42), filed April 7, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *power cast transformers, magnetic components, and electronic instrumentation and control devices*, between points in Pinellas County, FL, on the one hand, and, on the other, points in U.S.

MC 95084 (Sub-174), filed April 7, 1981. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279 Ottumwa, IA 52501, (515) 682-8154. Transporting *machinery*, between points in Clay and Lincoln Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 111274 (Sub-72), filed April 7, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall, (same address as applicant), (309) 266-9773. Transporting *lumber and lumber mill products*, between points in

the U.S., under continuing contract(s) with Metropolitan Lumber Co., Inc., of Oakbrook, IL.

MC 112595 (Sub-98), filed April 7, 1981. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *commodities in bulk*, between points in Sullivan County, TN, on the one hand, and, on the other, points in AL, GA, IL, KY, IN, MI, MS, MO, NJ, NC, OH, PA, SC, VA, WV, and WI.

MC 115904 (Sub-144), filed April 6, 1981. Applicant: GROVER TRUCKING CO., a corporation, 1710 W. Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1300. Transporting *general commodities (except classes A and B explosives)*, between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 116164 (Sub-15), filed April 3, 1981. Applicant: ARROW TRANSPORTATION COMPANY, a corporation, 1911 NE 58th Ave., Des Moines, IA 50309. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KA 66612, (913) 233-9629. Transporting (1) *metal products*, (2) *rubber and plastic products*, and (3) *fiberglass products*, between points in IL, IN, IA, KS, MI, MO, MN, NE, ND, SD and WI.

MC 116725 (Sub-29), filed April 6, 1981. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Maple Ave., Harleysville, PA 19438. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761-0520. Transporting (1) *food and related products*, and (2) *pulp, paper, and related products*, between points in St. Louis County, MO, and those in ME, VT, NH, MA, RI, CT, NJ, NY, PA, MD, VA, WV, OH, KY, IN, IL, MI, WI, IA, and DC.

MC 119894 (Sub-23), filed April 6, 1981. Applicant: BOWARD TRUCK LINE, INC., 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan, (same address as applicant), (301) 761-2580. Transporting *hospital supplies and surgical dressings*, between Greenwood, SC, on the one hand, and, on the other, Atlanta and Augusta, GA, Chattanooga and Knoxville, TN, Greenville, Raleigh, Wilmington, and Winston-Salem, NC, and Norfolk, Richmond, and Petersburg, VA.

MC 123265 (Sub-3), filed April 6, 1981. Applicant: SANTRY TRUCKING CO., a corporation, 10505 N.E. 2nd Ave. Portland, OR 97211. Representative:

George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting *such commodities as are dealt in or used by petroleum distributors and dealers*, between points in the U.S., under continuing contract(s) with Mobil Oil Corporation, of Los Angeles, CA.

MC 127115 (Sub-25), filed April 6, 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)-531-1300. Transporting *food and related products*, between those points in the U.S. in and west of MN, IA, MO, OK and TX.

MC 127804 (Sub-13), filed April 6, 1981. Applicant: WILLIAM R. WEINRICH, d.b.a. WEINRICH TRUCK LINES, P.O. Box 1037, Hinton, IA 51024. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA, (515)-282-3525. Transporting *salt and salt products*, between points in IL, IA, KS, MN, NE, ND, SD, UT and WI.

MC 138104 (Sub-106), filed April 7, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116, (817) 731-8431. Transporting *hides*, between points in the U.S., on the one hand, and, on the other, those ports of entry on the international boundary line between the U.S. and Mexico, in TX.

MC 140035 (Sub-1), filed April 7, 1981. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 SW Edy Rd., Sherwood, OR 97140. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503)-224-5525. Transporting *pulp, paper and related products*, between points in CA and ID, on the one hand, and, on the other, points in WA, OR, CA, ID, NV, MT, WY, UT, AZ, CO and NM.

MC 144715 (Sub-19), filed April 6, 1981. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington DC 20005, (202) 347-9332. Transporting *food and related products*, between points in NC, VA, MD, DE and DC, on the one hand, and, on the other, points in the U.S.

MC 145875 (Sub-10), filed April 7, 1981. Applicant: SWAIN AND SONS TRANSPORTS, INC., 208 Poplar Ave., Memphis, TN 38103. Representative: William R. Swain, Jr., (same address as applicant), (901) 525-5443. Transporting *general commodities (except classes A*

and B explosives), between points in Shelby County, TN, and Phillips County, AR, on the one hand, and, on the other, points in AR, MS, LA, TX, TN, AL, KY, OH, OK, KS, and NE.

MC 146074 (Sub-4), filed April 6, 1981. Applicant: FORT TRANSFER CO., a corporation, 225 South Maple Ave., Morton, IL 61550. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753-3925. Transporting (1) *machinery*, (2) *metal products*, (3) *construction materials*, and (4) *lumber and wood products*, between points in IL, IN, IA, KY, MI, MO, and WI.

MC 146724 (Sub-7), filed April 6, 1981. Applicant: DEAN RAPPLEYE, INC., P.O. Box 204 West Jordan, UT 84084. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 698-2235. Transporting (1) *food and related products*, and (2) *containers*, between points in Cache, Weber, Morgan, Davis and Box Elder Counties, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY.

MC 147965 (Sub-4), filed April 6, 1981. Applicant: GUNTHER H. M. KLIESE, d.b.a. P. & M. ENTERPRISES, 10650 SW Wilsonville Rd. Wilsonville, OR 97070. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with North Pacific Cannery & Packers, Inc., of Portland, OR.

MC 148284 (Sub-3), filed April 6, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *edible flour*, between the facilities of Golden Dipt Company, in Saint Clair County, IL, on the one hand, and, on the other, points in the U.S.

MC 150954 (Sub-22), filed April 9, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting (1) *food and related products* and (2) *cosmetics and personal care products*, between points in Camaron County, TX, on the one hand, and, on the other, points in Maricopa County, AZ, and Los Angeles County, CA.

MC 150954 (Sub-23), filed April 9, 1981. Applicant: TRAVIS TRANSPORTING, INC., 123 Coulter Ave., Ardmore, PA 19003.

Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826-6496. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Dana Brown Private Brands, Inc., of St. Louis, MO.

MC 152305 (Sub-1), filed April 8, 1981. Applicant: MARINE POLLUTION CONTROL CORP., 8831 W. Jefferson Ave., Detroit, MI 48209. Representative: David Usher (same address as applicant), (313) 849-2333. Transporting *waste or scrap materials* not identified by industry producing, between points in MI, IN, IL, PA, OH, NY, and WI.

MC 152544 (Sub-7), filed April 7, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams St., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904)-632-2300. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Distribution Services of America, of Boston, MA and United Freight, Inc., of Morrow, GA.

MC 152754 (Sub-2), filed April 6, 1981. Applicant: CARL SHERMER, d.b.a. C.L. SHERMER TRUCK LINES, 3282 Independence St., Grove City, OH 43123. Representative: Larry R. McDowell, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215)-735-3090. Transporting *metal products*, between Philadelphia, PA, on the one hand, and, on the other, points in MI.

MC 153074 (Sub-1), filed April 9, 1981. Applicant: F. RILEY'S EXPRESS, INC., 7611 W. Lincoln Ave., Summit, IL 60501. Representative: Richard Catrambone, 2337 N. 78th Ave., Elmwood Park, IL 60635, (312) 452-4226. Transporting *general commodities* (except classes A and B explosives), between points in IL and WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MO, OH, and WI.

MC 155064 (Sub-1), filed April 6, 1981. Applicant: HEPBURNIA COAL SALES CORP., R. D. No. 1, Grampian, PA 16838. Representative: Dwight L. Koerber, Jr., 110 N. 2d St., P.O. Box 1320, Clearfield, PA 16830, (814) 765-9611. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hepburnia Coal Company, of Grampian, PA.

MC 155134, filed April 6, 1981. Applicant: A & B TRUCKING CO., INC., RFD No. 1 P.O. Box 471, Randolph, VT 05060. Representative: Richard B. Anderson II (same address as applicant), (802)-728-3181. Transporting

*cast iron stoves and iron castings*, between points in MA, NY, PA and VT.

MC 155164, filed April 6, 1981. Applicant: CLIFFORD VAN ROSSUN, d.b.a. C & M TRUCK LINE, P.O. Box 803, 425 Randall, Moundridge, KS 67107. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Prestressed Concrete, Inc., of Newton, KS.

MC 155165, filed April 6, 1981. Applicant: HUSTED ENTERPRISES, INC., 1335 W. 16th St., Long Beach, CA 90813. Representative: Mike Husted (same address as applicant), (213) 832-0400. Transporting *machinery*, between points in Los Angeles and Alameda Counties, CA, on the one hand, and, on the other points in the U.S.

MC 155204, filed April 8, 1981. Applicant: PETREY FREIGHT LINE, INC., P.O. Box 68, Petrey, AL 36062. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by chain and food business houses, between points in the U.S., under continuing contract(s) with W. L. Petrey Wholesale Company, Inc., of Petrey, AL.

MC 104675 (Sub-43), filed February 23, 1981, previously noticed in the *Federal Register* on March 20, 1981. Applicant: FRONTIER DELIVERY, INC., 4238 Ridge Lea Rd., Amherst, NY 14226. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701, (716) 664-5210. Transporting *commodities in bulk*, between points in NY, CT, MA, NH, VT and RI.

Note.—This republication removes the condition.

MC 116544 (Sub-239), filed February 9, 1981, previously noticed in *Federal Register* on March 19, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 858-0117. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in FL, on the one hand, and, on the other, points in AL, CT, DE, GA, ID, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, VT, WA, WV, VA, and DC, and ports of entry on the international boundary line between the United States and Canada in the U.S.

Note.—This republication corrects the territorial description to include VA and DC.



## Volume No. OPY4-087

Decided: April 16, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams. (Williams not participating.)

MC 59967 (Sub-8), filed April 7, 1981. Applicant: LASHAM CARTAGE COMPANY, a corporation, 1500 Port Blvd., Dodge Island, Miami, FL 33132. Representative: Bernard C. Pestcoe, 700 Brickell Ave., Suite 401, Miami, FL 33131, (305) 379-0667. Transporting *general commodities* (except classes A and B explosives), between points in FL. 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 123407 (Sub-674), filed April 6, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route #1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. Transporting (1) *chemicals and related products*, and (2) *rubber and plastic products*, between points in Vigo County, IN, on the one hand, and, on the other, points in the U.S.

MC 129107 (Sub-9), filed April 7, 1981. Applicant: R. H. HARDING CO., INC., 100 Center Dr., Rochester, NY 14623. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265-9510. Transporting *transportation equipment*, between St. Louis, MO, and U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 141737 (Sub-1), filed April 2, 1981. Applicant: WALKER FREIGHT LINE, INC., P.O. Box 241, Black Hawk, SD 57718. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *general commodities* (except classes A and B explosives) between points in SD.

Note.—Applicant intends to tack.

MC 150187 (Sub-2), filed April 6, 1981. Applicant: D & L TRUCKING SERVICE, INC., 1419 So. Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader,

1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. Transporting (1) *such commodities* as are dealt in or used by automotive parts and assembly dealers and automotive repair facilities, between Louisville and points in Fayette County, KY, on the one hand, and, on the other, points in the U.S., (2) *furniture and fixture*, between points in Shelby County, KY, on the one hand, and, on the other, points in the U.S., and (3) *printed matter*, between Louisville, KY, on the one hand, and, on the other, points in TN, OH, IN, WI and IL.

MC 155067, filed April 6, 1981. Applicant: DOW TRUCKING, INC., Hwy 167 So., P.O. Box 2653, Batesville, AR 72501. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, (501) 375-9151. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Banquet Foods Corporation, of St. Louis, MO.

MC 155067, filed April 2, 1981. Applicant: JAMES W. ECK HAULING AND RIGGING, INC., P.O. Box 5089, Williamsport, PA 17701. Representative: Robert T. Logue (same address as applicant), (717) 326-4474. Transporting *iron, steel and aluminum articles*, between points in Clinton, Lycoming, Montour, Northumberland, Columbia, and Luzerne Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 155187, filed April 6, 1981. Applicant: ROBERT L. HYDE, Rt. 2, Box 1020, Rainier, OR 97048. Representative: Michael D. Crew, 205 Riviera Plaza, Portland, OR 97201, (503) 221-1529. Transporting *lumber and wood products*, between points in OR and WA.

## Volume No. OPY 5-39

Decided: April 16, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 23939 (Sub-169), filed April 2, 1981. Applicant: ASBURY TRANSPORTATION CO., 2222 East 38th St., Los Angeles, CA 90058. Representative: Howard D. Clark (same address as applicant), (213) 234-9261. Transporting *Mercer commodities* between points in AZ, CA, CO, ID, LA, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 80018 (Sub-22), filed April 6, 1981. Applicant: EDMAC TRUCKING COMPANY, INC., Hwy 301 S. P.O. Box 770, Fayetteville, NC 28302. Representative: Kenneth D. Angell (same address as applicant), (919) 424-4550. Transporting *general commodities* except classes A and B explosives),

between points in the U.S., in and east of WI, IL, KY, TN, MS, LA.

MC 81908 (Sub-15), filed April 1, 1981. Applicant: GARNER TRUCKING, INC., Route No. 4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *such commodities* as are dealt in, or used by, manufacturers or distributors of lawn care products, between the facilities of Chem Lawn Corporation located in the U.S., on the one hand, and, on the other, points in the U.S.

MC 100109 (Sub-8), filed April 6, 1981. Applicant: JAMES STUMPF AND ROBERT STUMPF, d.b.a. H. STUMPF & SONS, a partnership, Route 3, Worthington, MN 56187. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (507) 842-5323. Transporting (1) *food and related products*, and (2) *chemicals and related products*, between points in MN, IA, SD, NE, WI, IL and ND.

MC 113459 (Sub-143), filed March 31, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, First Continental Bank Bldg., No. 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting (1) *commodities which because of their size or weight require the use of special handling or equipment*, (2) *mercator commodities*, (3) *machinery*, (4) *metal products*, and (5) *transportation equipment*, between points in AZ, AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, NV, ND, OH, OK, PA, SD, TN, TX, UT, WV, WI, and WY.

MC 114028 (Sub-37), filed April 6, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *transportation equipment*, between Chicago, IL, on the one hand, and, on the other, points in Crawford County, WI.

MC 133689 (Sub-368), filed April 6, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6869. Transporting *machinery*, between points in Davidson and Marshall Counties, TN on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 133828 (Sub-10), filed April 2, 1981. Applicant: CASAZZA TRUCKING CO., 1250 Glendale Ave., Sparks, NV 89431. Representative: Robert G.

Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting (1) *petroleum, natural gas and their products*, between points in and south of Monterey, Kings, Tulare, and Inyo Counties, CA, Clark, Lincoln, and Nye Counties, NV, and AZ, and (2) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in Monterey, Kings, Tulare, and Inyo Counties, CA, Clark, Lincoln, and Nye Counties, NV, and points in AZ, OR, WA, CO, and WY.

MC 139928 (Sub-4), filed March 20, 1981. Applicant: AMERICAN COACH LINES, INC., 2611 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over regular routes, between Fond DuLac, WI, and Milwaukee, WI, serving all intermediate point, (a) over U.S. Hwy 41, and (b) from Fond DuLac over U.S. Hwy 45 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Milwaukee, WI, and return over the same route.

MC 141889 (Sub-12), filed April 2, 1981. Applicant: RONALD DeBOER, d.b.a. RON DeBOER TRUCKING, Route No. 1, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *furniture and fixtures* between points in Portage County, WI, on the one hand, and, on the other, points in the U.S.

MC 149218 (Sub-14), filed April 2, 1981. Applicant: SUNBELT EXPRESS, INC., U.S. Hwy. 78, W, Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, 404-256-4320. Transporting *general commodities* (except classes A and B explosives), between points in Haralson County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 150578 (Sub-12), filed February 20, 1981, previously noticed in *Federal Register* issue of March 24, 1981. Applicant: STEVENS TRANSPORT, a Division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant) (214) 681-0454. Transporting *general commodities* (except classes A and B explosives) between Portland, OR, Spartanburg, SC, and Dallas, TX, and points in Westmoreland County, PA, on the one hand, and, on the other, points in the U.S.

Note.—This republication changes the territorial description.

MC 150898 (Sub-51), filed April 3, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Dow Chemical Company of Carteret, NJ.

MC 154878 filed April 1, 1981. Applicant: FLORINE H. JONES d.b.a. T & J TRUCKING, Route 3, Box 184, Amherst, VA 24521. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2818. Transporting (1) *textile mill products* between those points in the U.S. in and east of WI, IL, MO, AR, and TX, and (2) *rubber and plastic products* between points in Bergen County, NJ, on the one hand, and, on the other, points in AL, DE, FL, GA, LA, MD, NC, OH, PA, SC, TN, and VA.

MC 155038 filed March 31, 1981. Applicant: IDEAL WAY MOVERS INCORPORATED, Building No. 3 Boundary Rd., Marlboro, NJ 07746. Representative: James F. McColley, Jr. (same address as applicant) 201-780-4400. Transporting *used household goods*, between points in the U.S.

MC 155099 filed April 2, 1981. Applicant: OSBORNE TRAVEL SERVICE, INC., 3379 Peachtree Rd, N.E., Atlanta, GA 30326. Representative: George E. Mayer (same address as applicant) 404-262-2093. To operate as a *broker* at Atlanta, GA, to arrange for the transportation of passengers and their baggage between points in the U.S.

MC 155188 filed April 6, 1981. Applicant: WEATHERS BROS. TRANSFER CO. OF GA., INC., 1052 Brookhaven Blvd., Columbus, GA 31906. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036, 202-436-6044. Transporting *household goods*, (1) between points in NC, SC, GA, AL, FL, and TN, (2) between points in NC, SC, GA, AL, FL, and TN, on the one hand, and, on the other, points in TX, LA, MS, TN, VA, KY, and DC.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-12213 Filed 4-22-81; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF JUSTICE Consent Decree in Action To Enjoin Discharge of Air Pollutants

Notice is hereby given that a consent judgment in *United States v. Fireline*

*Petroleum, Inc.*, Civil Action No. 79-672 was entered on April 2, 1981, in the United States District Court for the District of New Jersey in Camden. The decree requires Fireline Petroleum, Inc., to install vapor recovery equipment at service stations and to pay a civil penalty of \$15,000.

Although the decree has already been entered, in violation of departmental policy, 28 CFR 50.7, 38 FR 19029, the Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the judgment and will take whatever action it deems warranted by the substance of the comments. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Fireline Petroleum, Inc.*, D. J. Ref. 90-5-2-1-173.

The consent decree may be examined at the Office of the United States Attorney, 970 Broad Street, Newark, New Jersey; at the Region II Office of the Environmental Protection Agency, Enforcement Division, 26 Federal Plaza, New York, New York; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1254), Ninth Street and Pennsylvania Avenue NW., Washington, D.C. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530.

Carol E. Dinkins,

Assistant Attorney General, Land and  
Natural Resources Division.

[FR Doc. 81-12175 Filed 4-23-81; 8:45 am]

BILLING CODE 4410-01-M

#### Proposed Consent Judgments in Actions To Require Control of Air Pollutants at Phelps Dodge Copper Smelters in Arizona

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Phelps Dodge Corporation*, Civil Action No. CIV81-088-TUC-MAR has been lodged with the District Court of Arizona. The proposed decree requires the defendant to comply with the Clean Air Act at its smelters in Morenci and Ajo, Arizona. In particular the decree requires Phelps Dodge to install innovative technology to modify existing process equipment in order to comply with sulphur dioxide

and particulate regulations applicable to the two smelters.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and refer to *United States v. Phelps Dodge Corporation*.

The proposed decree may be examined at the Office of the United States Attorney, 3rd Floor, Acapulca Building, La Placida Village, 120 West Broadway, Tucson, Arizona, at the Region IX Office of the Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or a money order made out for \$9.40 to the Treasurer of the United States.

The Department of Justice will receive written comments on the proposed settlements for thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. They should refer to the respective cases as captioned above and include Department of Justice reference number 90-5-2-1-465.

Anthony Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12176 Filed 4-22-81; 9:45 am]

BILLING CODE 4110-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

(N-AR 81-17)

### Report, Recommendations, Responses; Availability

A special investigation report, *Phosphorus Trichloride Release In Boston and Maine Yard 8 During Switching Operations, Somerville, Massachusetts, April 3, 1980 (NTSB-HZM-81-1)*, was released by the National Transportation Safety Board

on April 13. As a result of its investigation, the Board on March 12 forwarded to the U.S. Department of Transportation these safety recommendations:

Investigate the adequacy and consistency of hazardous materials emergency guides and other advice available to local officials for use in controlling hazardous materials releases during transportation, and take necessary steps to assure that they provide sufficient and consistent guidance and advice to help local officials control hazardous materials spills quickly and effectively. (I-81-1)

Revise the advice provided in the 1980 DOT Emergency Response Guidebook concerning phosphorus trichloride to clarify the ambiguous language on the use of water in handling large spills. (I-81-2)

In addition, the Board has reiterated the following recommendations issued October 20, 1976, to DOT, as a result of an accident near Pursley, W. Va.:

Redesign its hazardous materials incident data reporting system so it will generate information about what emergency actions were taken, why they were taken, and what influence they had on the outcome of the emergency, for use in training firefighters and law-enforcement personnel, to handle hazardous material transportation emergencies. (I-76-9)

Develop a procedure to report such information regularly to Federal and State agencies with responsibilities for developing emergency training programs for law-enforcement and firefighting personnel. (I-76-10)

Develop a procedure to use the emergency response information on dealing with emergencies to review periodically the validity of advice which DOT provides to other agencies with regard to hazardous materials transportation emergencies. Periodically review the operational experience in meeting hazardous materials emergencies to assure that the practices recommended are appropriate. (I-76-11)

A letter containing the following recommendation was forwarded by the Safety Board on April 13 to the Federal Aviation Administration:

Issue an airworthiness directive to require that all deHavilland DH-114 aircraft wing leading edge inspection door latching mechanisms be secured in the closed and locked position in accordance with Prinair's Engineering Order 923-1. (A-81-43)

Each of the above safety recommendations is designed "Class II, Priority Action." The Safety Board's press release announcing issuance of the above-noted special investigation report is No. SB 81-25.

Recent Federal Aviation Administration Responses to Safety Board Recommendations:

A-78-1 (April 7).—Supplements response of July 20, 1979 (44 FR 45497,

Aug. 2, 1979) and responds to Board inquiry of July 28, 1980. Provides copy of preliminary test plan, *Assessment of the Existence of Water Layers on Airborne Radomes During Flight in Precipitation*. Flight testing scheduled for mid-summer, 1981.

A-78-20 (April 10).—Responds to Board inquiry of Sept. 24, 1980, and notes closing of related recommendations A-78-18 and -19 as indicated in Board comments of Feb. 5, 1979, concerning FAA's initial response of Nov. 16, 1978 (43 FR 56113, Nov. 30, 1978). FAA is increasing the size of the mountain pass symbol "J" and placing the pass elevation type adjacent to the symbol.

A-79-2 (April 6).—Responds to Board inquiry of Oct. 23, 1980, followup to Board comments of May 15, 1979, regarding FAA's initial response of Apr. 27, 1979 (44 FR 27511, May 10, 1979). Provides copy of proposal published at 46 FR 3776, Jan. 15, 1981; notes that the review of marking requirements is scheduled to be part of the proposed regulatory review. Related recommendation A-79-1 was classified "closed" by Board letter of Oct. 23, 1980.

A-80-35 (April 10).—Responds to Board comments of Mar. 25, 1981, indicating as apparently responsive to A-80-35 FAA's proposal (45 FR 9529, Jan. 29, 1981) to issue an airworthiness directive to require inspection of nose wheels on certain Piper models and replacement of those wheels found with cracks. (Ref. 45 FR 32147, May 15, 1980)

A-80-125 through -131; Reiterated CY-70-42 (Part 4) and A-77-70 (April 3).—Responds to recommendations reported at 46 FR 11075, Feb. 5, 1981. Studies are underway re installation/ retrofit of shoulder harnesses in general aviation aircraft. FAA seeks more definitive guidelines in developing test criteria and performance standards to insure safety through cabin "delethalization," in revising current standards for seat and restraint systems to improve crashworthiness, and in dynamic testing of occupant protection devices.

A-80-132 through -138; Reiterated A-77-68 (April 7).—Responds to recommendations concerning dissemination of weather information, reported at 46 FR 7113, Jan. 22, 1981, and supplements response of Aug. 13, 1980 re A-77-68 (45 FR 57607, Aug. 28, 1980). Re A-77-68, 21 Center Weather Service Units are now operational in Air Route Traffic Control Centers. FAA concurs in A-80-133, -134, -135, -136, and -138. FAA does not concur in A-80-132, believing that final decisionmaking authority concerning weather avoidance

should rest with the pilot-in-command. FAA does not concur in A-80-137, contending that retroactive application of a rule regarding emergency exists to be opened from outside the aircraft could prove very costly.

*A-81-6 and -7 (April 6).*—Responds to recommendations reported at 46 FR 9822, Jan. 29, 1981. Study of throttle linkage separation to be completed by April 30, 1981. Advisory circular 43-16, General Aviation Maintenance Alerts, followed by publication of some 20 articles on throttle controls and throttle control disconnects.

*Response from U.S. Coast Guard to Safety Board Recommendations:*

*M-80-64 through -85; Reiterated M-76-8 (March 30).*—Responds to recommendations reported at 45 FR 63583, Sept. 25, 1980. Re M-76-8, study of automatic recording equipment awaits further action from the Maritime Administration. USCG concurs in M-80-64, -65, -66, -67, -68, -69, -70, -72, -75, -78, -79, -80, -81, -82, -83, -84, and -85 which address qualifications and refresher training of personnel on USCG cutters, compliance with Rules of the Road, Vessel Traffic Service in Tampa Bay, lifesaving equipment, and automatic emergency lighting aboard cutters. USCG does not concur in M-80-71, -73, -74, -77, and -79 which concern, respectively: employment of pilots when the commanding officer is unfamiliar with pilotage waters, broadcasting of security calls when getting underway, placement of a masthead light directly forward of the pilothouse, relocation of the intersection of the Intercoastal Waterway and Southwest Channel in Tampa Bay away from buoy 2A, and equipment of U.S. merchant vessels over 1,600 gross tons with at least one motor lifeboat on each side and gravity davits throughout.

*Note.*—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,  
Federal Register Liaison Officer,  
April 17, 1981.

[FR Doc. 81-12207 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-58-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

### Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF-2 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment authorizes a one time only Technical Specification change until about May 15, 1981. The change will allow time for needed modifications to the dual plant service water system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 24, 1981, (2) Amendment No. 19 to License No. NPF-2 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Berdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of April, 1981.

For the Nuclear Regulatory Commission,  
Steven A. Varga,  
Chief, Operating Reactors Branch No. 1,  
Division of Licensing.

[FR Doc. 81-12205 Filed 4-22-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

### Boston Edison Co.;

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment effects changes to the Technical Specifications which implement surveillance and operability requirements for certain TMI-2 Lessons Learned Category "A" items.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated March 16, 1981, (2) Amendment No. 48 to license No. DPR-35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on north Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of April 1981.

For the Nuclear Regulatory Commission.  
**Thomas A. Ippolito,**  
*Chief, Operating Reactors Branch No. 2,*  
*Division of Licensing.*  
 [FR Doc. 81-12206 Filed 4-23-81; 8:45 am]  
**BILLING CODE 7590-01-M**

[Docket No. 50-289]

**Metropolitan Edison Co., et al.;  
 Availability of Supplement No. 1 of  
 Control Room Design Review Report  
 for TMI-1**

In the matter of the Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co.

Notice is hereby given that the Office of Nuclear Reactor Regulation has published Supplement No. 1 to the Control Room Design Review Report for TMI-1.

This report provides an update of the staff's Control Room Design Review Report previously issued.

Based on our human factors engineering review and evaluation of the TMI-1 control room, we conclude with the corrections required prior to restart and prior to escalation beyond five percent power potential for operator error leading to serious consequences as a result of human factors considerations in the control room is sufficiently low to permit restart and full power operation of TMI-1.

This report is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania, for public inspection and copying. The report (Document No. NUREG-0752, Supplement No. 1) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 17th day of April 1981.

For the Nuclear Regulatory Commission.  
**John F. Stolz,**  
*Chief, Operating Reactors Branch No. 4,*  
*Division of Licensing.*  
 [FR Doc. 81-12207 Filed 4-22-81; 8:45 am]  
**BILLING CODE 7590-01-M**

[Docket No. 50-289]

**Metropolitan Edison Co., et al.;  
 Availability of Supplement No. 3 to the  
 Evaluation for TMI-1 Restart**

In the matter of the Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co.

Notice is hereby given that the Office of Nuclear Reactor Regulation has published Supplement No. 3 to the Evaluation of the Licensee's Compliance with the Short and Long Term Items of Section II of the NRC Order dated August 9, 1979, related to the restart of the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pennsylvania.

This supplement to NUREG-0680 (TMI-1 Restart Evaluation) (1) reports the results of the staff's evaluation of additional information received from the licensee since the issuance of NUREG-0680 and Supplements 1 and 2; (2) describes the resolution or status of unresolved items noted in those documents; and (3) provides a judgement as to whether the licensee has made reasonable progress towards completion of the long term actions identified in the August 9, 1979 Order.

Based on our review, we conclude that the licensee is in compliance with the short term requirements of the August 9, 1979 and March 6, 1980 Commission Orders, subject to verification of installation of modifications and completion of all required tests and exercises as discussed in NUREG-0680. The licensee has completed or has made reasonable progress toward completion of the long term actions of the August 9, 1979 Order and those additional long term actions identified in NUREG-0680 and its supplements, with one exception.

The report is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania, 17126, for public inspection and copying. The report (Document No. NUREG-0680, Supplement No. 3) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 17th day of April 1981.

For the Nuclear Regulatory Commission.  
**John F. Stolz,**  
*Chief, Operating Reactors Branch No. 4,*  
*Division of Licensing.*

[FR Doc. 81-12208 Filed 4-22-81; 8:45 am]  
**BILLING CODE 7590-01-M**

[License No. DPR-13; Docket No. 50-206; EA 81-10]

**Southern California Edison Co. (San Onofre Nuclear Generating Station Unit No. 1); Order Imposing Civil Monetary Penalties**

I

Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California, 91770, (the "licensee"), is the holder of Facility Operating License No. DPR-13 issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the operation of the San Onofre Nuclear Generating Station Unit No. 1 (the "facility"), located in San Diego County, California. The license was initially issued on March 27, 1967. The facility is a Pressurized Water Reactor (PWR) authorized to operate at a power level not in excess of 1347 megawatts thermal (rated power).

II

During an inspection of the licensee's activities at this facility conducted on September 22-26 and October 14-17, 1980, items of noncompliance were identified with the requirements of 10 CFR Part 20, "Standards for Protection Against Radiation," and the provisions of the license. A written Notice of Violation was served upon the licensee by letter dated January 23, 1981, specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282 Pub. L. 96-295) and 10 CFR 2.205, incorporating by reference the Notice of Violation. Answers from the licensee to the Notices of Violation and Proposed Imposition of Civil Penalties were dated February 17, 1981. Upon consideration of the answers received and the statements of fact, explanation, and argument in denial or mitigation contained therein, as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed.

III

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended and 10 CFR 2.205, it is hereby ordered that: Southern California Edison Company pay civil penalties in the total amount of One Hundred Fifty Thousand Dollars within

twenty-five (25) days of the date of this Order by check, draft or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

#### IV

The licensee may, within twenty-five (25) days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

#### V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in noncompliance with the Commission's requirements as set forth in items A and B of the Notice of Violation referenced in Sections II and III above; and

(b) Whether, on the basis of these items of noncompliance, this Order should be sustained.

Dated at Bethesda, Maryland, this 15th day of April 1981.

For the Nuclear Regulatory Commission.

**R. C. De Young,**

*Deputy Director, Office of Inspection and Enforcement.*

#### Appendix A

##### *Evaluation and Conclusion*

The licensee admitted each item of noncompliance assessed a civil penalty in the Notice of Violation dated January 23, 1981, in enclosure 1 of their February 17, 1981 response. Enclosure (2) of the response presents a protest to the proposed imposition of civil penalties based on the contention that the corrective actions already taken with respect to problems discussed in the January 23, 1981 NRC letter, the findings of the Health Physics Appraisal inspection, results of continuing inspections and their own evaluations have adequately demonstrated to their management that major improvements in the Health Physics program were required, and that Southern California Edison (SCE) is now fully committed to ensuring that these improvements have been and will continue to be implemented. SCE feels that the added emphasis of a civil penalty is inconsistent with their demonstrated recognition of the

problem and their commitment to secure long term corrective action. The Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response is presented below.

##### *Statement of Noncompliance Associated With Steam Generators Repairs (Items A1, A2)*

A.1. 10 CFR 20.101(b), (1) "Radiation dose standards for individuals in restricted area," states in part that, "During any calendar quarter the total occupational dose to the whole body shall not exceed 3 rems."

Contrary to the above, during the third calendar quarter of 1980 twenty-four individuals received total occupational doses to the whole body in excess of 3 rems.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$75,000).

A.2. 10 CFR 20.201(b) "Surveys", requires licensees to make surveys as may be necessary to comply with the regulations in 10 CFR 20. Surveys are defined in § 20.201(a) as "an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present." 10 CFR 20.202 "Personnel Monitoring", requires that "Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

"(1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 20.101."

Contrary to the above, during the third calendar quarter of 1980 surveys or evaluations of the radiation hazard inside the steam generator channel heads were not made as necessary to assure compliance with the whole body dose limits specified in 10 CFR 20.101(b) in that individuals received doses in excess of 3 rems and 10 CFR 20.202 in that appropriate personnel monitoring equipment was not provided to measure the dose to the heads and lens of eyes of individuals permitted to work inside the channel head.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$25,000).

##### *Evaluation of the Licensee's Response (Item A)*

The licensee admits the items of noncompliance, but argues that the proposed civil penalties should not be imposed. To support its view, the licensee cites its commitment of resources to improve the health physics program and good enforcement history for the three years prior to April 1980. The licensee stresses the following circumstances surrounding the event to show that the personnel exposures were not particularly egregious:

1. Use of a single film badge to evaluate steam generator dose was not unique to San Onofre.

2. The procedure governing steam generator entries had been reviewed by NRC regional inspectors in April 1980 without comment relative to the methods of exposure control.

3. More than 750 personnel received exposures associated with the steam generator work and, even with a conservative evaluation, only a small fraction received doses in excess of the regulatory requirements.

4. The radiation protection program in effect was adequate to prevent any worker from receiving an injurious dose. The largest calculated dose to any individual was 4.9 rems.

5. Once the problems were identified, the licensee took immediate corrective action to prevent additional radiation exposure without appropriate personnel monitoring, to perform a conservative evaluation of previously exposed workers dose, and to accelerate major improvements in its radiation protection program.

The licensee agrees that steam generator personnel exposures are a serious matter, but believes in light of these circumstances that civil penalties should not be imposed.

None of these matters alters the NRC's view that civil penalties should be imposed for these violations. With respect to the items raised by the licensee, the NRC believes:

1. Although incidents of inadequate personnel monitoring may be observed at other facilities, Southern California Edison remains responsible for compliance with the Commission's requirements at its facility and may be subject to civil penalties for violations of such requirements. By industry practice, the highest entry dose should be monitored whenever the variation in exposure, as here, may be large. Placement of personnel monitoring devices to measure the highest entry dose when the variation in exposure is large has also been recommended by the International Commission on Radiological Protection and the National Council on Radiation Protection and Measurements.

2. Unfortunately, NRC inspections did not identify the inadequate personnel monitoring at an earlier time. NRC licensees are, however, responsible for compliance with the Commission's requirements at all times, not just from the time and NRC inspection specifically identifies a problem to a licensee. NRC inspections are in nature audits of the licensee's activities and do not purport to examine every aspect of licensed activities. Although noncompliance may not be found during an inspection, such a result does not constitute a finding that the licensee is fully in compliance with all applicable requirements. Again, we are concerned that the inadequacies in personnel monitoring were not identified until an NRC inspection.

3. Inappropriate placement of personnel monitoring devices occurred from April to August 1980 when an NRC inspector brought the practice to the licensee's attention. While some 750 persons may have been involved in the steam generator program, the fraction who received exposures above regulatory limits is significant from the standpoint of adequately assuring that excessive exposures

are avoided. It was only fortuitous that the overexposures did not affect even more persons than the 24 identified in the third quarter and the 42 identified in the second quarter. The NRC expects licensees to provide the most accurate assessment of an individual's radiation dose and considers the failure to do so a serious matter even when regulatory limits are not exceeded.

4. While it is true workers did not receive biologically significant doses under the licensee's radiation protection practices during April to August 1980, a number of individuals received doses above regulatory limits during this period. These doses were unnecessary and clearly preventable. Again, it was fortuitous that other persons did not receive excessive exposures.

5. An NRC inspector brought the problems with surveys and dosimetry during steam generator repairs to the licensee's attention on August 20, 1980. The licensee acted responsibly by immediately requiring multiple personnel dosimeters for all additional entries into the steam generators, by initiating a comprehensive survey to evaluate the radiation environment in the steam generators and using this data to perform reassessments of the dose to each worker who had entered the steam generators wearing a single chest-worn film badge. The licensee also committed substantial management attention and resources to update the radiation protection program. These actions have been apparently successful to date in controlling exposures to the personnel involved in the ongoing steam generator repair activity. While the licensee's corrective actions have been commendable, corrective action is always required of licensees when noncompliance is identified.

In the letter transmitting the Notice of Violation and Notice of Proposed Imposition of Civil Penalty, the NRC identified five factors which, in our view, underscore the particular egregiousness of the violations of requirements in the conduct of the steam generator program. The licensee does not specifically dispute these points. These factors should again be emphasized as the basis for the NRC's action in this matter:

- (1) The number of employees who received overexposures was in our view significant;
- (2) The inadequate survey and monitoring existed for a long period of time and might have continued for a considerably longer period if an NRC inspector had not discovered it;
- (3) The overexposures were readily preventable if adequate personnel monitoring had been used;
- (4) The licensee's radiation protection program had been cited for noncompliance on a number of occasions from April through September 1980; and
- (5) In addition to the 24 persons receiving overexposures in the third quarter of 1980, the licensee had calculated that an additional 42 persons received total occupational doses to the whole body greater than 3 rems in the second calendar quarter.

#### Conclusion

As the licensee admits, the licensee failed to perform adequate surveys of the radiological conditions inside the steam

generators which resulted in persons receiving exposures to radiation in excess of regulatory limits. The licensee's arguments do not alter the NRC's view that this event was egregious. While the NRC acknowledges the licensee's corrective actions, such actions as a result of the identification of noncompliance are expected as a matter of prudent management to ensure the safety of workers and compliance with the Commission's requirements. No adequate basis exists for remitting or mitigating the civil penalty.

#### Statement of Noncompliance Associated With Handling the NFS4, NCA1E Shipping Cask (Items B.1-4)

B. 1. 10 CFR 20.201(b) "Surveys", requires licensees to make surveys as may be necessary to comply with the regulations in 10 CFR 20. Surveys are defined in § 20.201(a) as "an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present."

Contrary to the above, on September 5, 1980 two individuals working under Radiation Exposure Permit No. 28855 were permitted to handle highly radioactive material associated with a spent nuclear fuel shipping cask and a survey of the radiation hazard to the workers' hands was not made as necessary to assure compliance with the hand dose limit specified in 10 CFR 20.101 in that the beta dose rate was not measured and a survey or evaluation to correct the dose measured by the thermoluminescent finger dosimeter was not made.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$18,750).

B. 2. 10 CFR 20.103(a)(3) "Exposure of individuals to concentrations of radioactive material in air in restricted areas", states in part: "For purposes of determining compliance with the requirements of this section the licensee shall use suitable measurements of concentrations of radioactive materials in air for detecting and evaluating airborne radioactivity in restricted areas and in addition, as appropriate, shall use measurements of radioactivity in the body; measurements of radioactivity excreted from the body, or any combination of such measurements as may be necessary for timely detection and assessment of individual intakes of radioactivity by exposed individuals."

Contrary to the above, on September 5, 1980 two individuals were permitted to handle highly radioactive materials in the restricted area under Radiation Exposure Permit No. 28855, in a manner that dispersed the materials resulting in facial contamination; no measurement of the concentration of radioactive materials in air in the individuals breathing zone were made; and appropriate measurements of radioactivity in the body and measurements of radioactivity excreted from the body as necessary for timely detection and

assessment of the individuals intake were not made.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$18,750).

B. 3. Technical Specification 6.3, "Facility Staff Qualifications" requires that each member of the facility staff meet or exceed the minimum qualifications of ANSI N18.1-1971, "Selection and Training of Personnel for Nuclear Power Plants", for comparable positions. Chemistry and Radiation Protection Technicians are shown as members of the facility staff in Figure 6.2.2.2 of Technical Specification 6.2. ANSI N18.1-1971 requires in Section 4 that, "Nuclear power plant personnel shall have that combination of education, experience, health, and skills commensurate with their level of responsibility which provides reasonable assurance that decisions and actions during all normal and abnormal conditions will be such that the plant is operated in a safe and efficient manner", and that technicians in responsible positions must have at least two years of working experience in their specialty.

Contrary to the above, on the morning of September 5, 1980, the Radiation Protection Technician who provided direct radiation safety monitoring and control for operations involving the NFS-4, NAC 1E spent fuel shipping cask as required by REP No. 28855 did not have two years of working experience in radiation protection. An interview conducted by an NRC Inspector confirmed that he was not familiar with the shipping cask, was not aware of the potential radiation hazard, and did not understand the limitations of the survey instrument he used.

This is a Severity Level III violation (Supplement IV) (Civil Penalty \$6,250).

B. 4. Technical Specification Section 6.11 requires that written procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20 and shall be approved, maintained and adhered to for all operations involving personnel radiation exposure. San Onofre Nuclear Generating Station Radiation Protection Procedure SVIII.8, Revision 2, dated January 10, 1979, "Decontamination Procedure Personnel" states in section E.1 that: "A record of any skin contamination shall be made in the personnel decontamination log book. The entry shall include name, date, time, work location, cpm of contaminated area before and after decontamination, and notice if person was given a whole body scan."

Contrary to the above, on September 5, 1980 two individuals working under Radiation Exposure Permit No. 28855 received skin contamination on two occasions while working with highly radioactive material and the log book record for the first occasion did not include the time, work location, cpm after decontamination and notice whether the person was given a whole body scan. In addition, no log book entry was made regarding the second occurrence of skin contamination for these individuals on the afternoon of September 5, 1980.

This is a Severity Level III (Supplement IV) (Civil Penalty \$8,250).

*Evaluation of the Licensee's Response (Item B)*

The licensee admits the four items of noncompliance associated with the handling of the spent fuel cask, but the licensee protests the imposition of civil penalties for this event. The licensee emphasizes its corrective actions with respect to its radiation protection program and points up that the radiation protection program was at least effective enough to prevent any worker from receiving an injurious dose. The licensee attributes its failure to adequately evaluate the radiological hazard associated with this particular cask and take appropriate protective measures to inadequate procedures, but contrasts the event with its previous uneventful history associated with handling spent fuel casks.

The NRC agrees that the licensee's failure to anticipate the problems in handling this particular cask led to the cited items of noncompliance. The licensee's previous uneventful history of cask handling does not excuse or justify, of course, the inadequate surveys and protective actions taken by the licensee here. Licensees must constantly anticipate that their activities may require greater care and attention than past experience strictly indicates.

The NRC agrees that the workers involved did not receive a biologically significant dose. In view of the breakdown in radiation protection procedures, however, this fact is merely fortuitous. We are concerned that the failure to observe radiation protection procedures could have resulted in excessive radiation exposures.

As noted in the January 23, 1981, letter to the licensee, the NRC is particularly concerned that these noncompliances occurred even though, on the basis of the licensee's recent enforcement history on radiation protection, the licensee should have been alerted that improvements in its radiation monitoring program were necessary. The licensee acknowledges in its response that the Health Physics Appraisal exit interview held on May 30, 1980, had identified the need for improvements in radiation safety practices and the licensee had begun to make improvements in the radiation protection program. In addition to this awareness of the need for improvements in radiation safety, a meeting was held on the morning of September 4, 1980, among representatives of the cask owners, the Chemistry/Radiation Protection foreman, and representatives of the licensee's management. Even though the likelihood of fuel fragments being present in the cask and the potential radiological hazards were discussed at this meeting, the subsequent surveys were still inadequate, an unqualified technician was assigned to the job, and radiation protection procedures were not followed.

*Conclusion*

The licensee admitted the items of noncompliance. The NRC indicated in the letter transmitting this enforcement action that an increase in the base penalty by 25% to \$50,000 was warranted, because the licensee had been alerted to the need for improvements in its radiation monitoring program and should have taken remedial

steps prior to the occurrence of this event. The licensee has not presented information which would cause the NRC to remit or mitigate the civil penalty.

[FR Doc. 81-12269 Filed 4-22-81; 9:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-305]****Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised Technical Specifications for operations of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications in respect to (a) reactivity anomalies and reporting requirements; (b) testing requirements for the Shield Building Ventilation System, the Auxiliary Building Special Ventilation System and the Spent Fuel Pool Sweep System; (c) Periodic Testing of Diesel Generators; and (d) Bases of Section 3.5, Instrumentation System/Safety Injection.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 16, 1979, (2) Amendment No. 33 to License No. DPR-43 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document

Room, 1717, H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of April 1981.

For the Nuclear Regulatory Commission,  
**Steven A. Varga,**  
*Chief, Operating Reactors Branch No. 1,  
Division of Licensing.*

[FR Doc. 81-12270 Filed 4-22-81; 9:45 am]

BILLING CODE 7590-01-M

**OFFICE OF MANAGEMENT AND BUDGET****Agency Forms Under Review**

April 20, 1981.

**Background**

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

**List of Forms Under Review**

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;



Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent your from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy

Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

#### New

- Economics and Statistics Service  
Monitoring Effects of Erosion and Flooding

Nonrecurring

Farms

Crop farmers

SIC 011, 013

Small businesses or organizations

Agricultural research and services, 228 responses, 57 hours, \$4,300 Federal cost, 1 form not applicable under 3504 (H)

Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data to test a system of interviewing operators by telephone for monitoring progress in implementing conservation practices. Also will collect information on net returns associated with levels of conservation practices, erosion and flooding damages. This system could supplement information currently provided by observation points by field technicians.

#### Reinstatements

- Food and Nutrition Service  
Food Stamp Cashout Demonstration Project

Nonrecurring Individuals or Households  
Households in which all members are over 64 in six sites

Public assistance and other income supplements, 15,513 responses, 4,592 hours, \$1,516,096 Federal cost, 3 forms not applicable under 3504 (H)

Charles A. Ellett, 202-395-7340

Study to increase food stamp participation among the elderly.

#### DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

#### Extensions (No Change)

- Maritime Administration  
Monthly Report of Ocean Shipments Moving Under Export-Import Bank Financing

MA-518

Monthly

Business or other institutions

Foreign gov't repre., foreign bus., domestic bus., etc.

SIC: multiple

Small businesses or organizations

Water transportation, 1,800 responses, 900 hours, \$18,750 Federal cost, 1 form not applicable under 3504 (H)  
William T. Adams, 202-395-4814

Public Resolution 17 provides that where loans are made by an instrumentality of the Government to foster the exporting of agriculture or other products provisions shall be made that such products be carried exclusively on U.S. flag vessels unless maritime administration certifies to the lending agency that such vessels are not available. These reports are required to show compliance with P.R. 17. Collective data from these report is included in the annual report.

#### DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

#### New

- Department of the Navy  
National Survey of 23-29 Year Olds  
Nonrecurring  
Individuals or households  
Individuals, males and females, ages 23-29

Department of Defense—military, 3,050 responses 1,525 hours, \$189,000 Federal cost, 1 form not applicable under 3504 (H)

Edward C. Springer, 202-395-4814

Survey of 23-29 year-old population to examine propensity towards enlistment in military. Navy planning large growth in fleet and requires exploration of potential alternative manpower markets.

#### Reinstatements

- Department of the Navy  
College Rank in Class  
Navcruit 1100/15

On occasion

Businesses or other institutions

Personnel in school registrars

SIC: all

Department of Defense—military, 5,350 responses, 2,672 hours, \$5,187 Federal cost, 1 form not applicable under 3504 (H)

Edward C. Springer, 202-395-4814

Used to evaluate the level of academic achievement of members applying for certain officer programs and to determine future training of certain applicants. Since the number of applicants exceed the quota for some programs, selection becomes a difficult problem and among the criteria used in this selection process is the scholastic standing of the applicant.

## DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030.

*New*

- Office of Postsecondary Education Financial Status and Performance Reports OE 269-1, 2

## Annually

Businesses or other institutions Postsecondary institutions

SIC: 822 Higher education, 1,200 responses, 1,800 hours, \$8,000 Federal cost, 2 forms not applicable under 3504(H)

Federal Education Data Acquisition Council, 202-426-5030

Standard Form 269, OMB No. 80-R0180 will be used to obtain an accounting of funds expended, obligated and remaining in accordance with regulations. Regulations also require an annual program performance report in accordance with criteria established by the Secretary and the Administrator of the Veterans Administration.

- Office of Postsecondary Education Biomedical Sciences Performance and Financial Status Report

ED 822 Annually

## Annually

Businesses or other institutions Postsecondary institutions

SIC: 822, 821, 824

Higher Education, 12 responses, 48 hours, \$325 Federal cost, 1 form not applicable under 3504(P)

Federal Education Data Acquisition Council, 202-426-5030

Data collection instrument is needed to comply with Edgar regulations 34 CFR, Parts 74 and 100. The information will be used: (a) to assess and monitor project effectiveness, (b) to determine compliance with program regulations, and (c) to determine if the program is meeting the needs of the target population.

- Office of Vocational and Adult Education Review of State-Level Activities Funded Under the Career Education Incentive Act (P.L. 95-207)

ED 825

## Nonrecurring

State or local governments

CECS in 47 States, D.C. and P.R. participating in P.L. 95-207.

Elementary, secondary, and vocational education, 196 responses, 98 hours, \$2,760 Federal cost, 6 forms not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

The Office of Career Education proposes to collect data in November or December, 1981, on the implementation of career education activities under the

Career Education Incentive Act (P.L. 95-207).

This information will provide the basis for a report to Congress in September, 1981, further, it will be useful to Federal and State program managers who are concerned with strengthening the incentive act program in 1982-83.

*Revisions*

- Office of Postsecondary Education ADS Student Report (Request of Additional Payment of BEOG Award) OE 304-1 ED 304-1

On occasion, semiannually, annually Individuals or households

Recipients and Financial aid admin. from postsecon. instit.

Higher education, 50,654 responses, 33,432 hours, 1 form; not applicable under 3504(b)

Federal Education Data Acquisition Council, 202-426-5030

This form is only used if two payments are required under the alternate disbursement system. This form is used for the second payment.

## DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464.

*New*

- Department and Others Educational Programs and Facilities in

Nuclear Science and Engineering

ER-736

Nonrecurring

Businesses or other institutions

Colleges and univ., jr. colleges offering nuclear training

SIC: 822

Multiple functions 430 responses, 645 hours, \$12,000 Federal cost, 1 form, not applicable under 3540(H)

Federal Education Data Acquisition Council, 202-426-5030

This survey of university and college nuclear educational programs and facilities will help DOE in obtaining current knowledge on the breadth of nuclear education within all relevant academic disciplines. The purpose of the survey is to obtain data necessary for DOE's report to Congress, due December 1981. The survey will also assist students, university faculty, other Government agencies, and private sector companies interested in nuclear education.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

*New*

- Food and Drug Administration Good Laboratory Practice Regulations for Nonclinical Laboratory Studies

On occasion

Businesses or other institutions

Mfgs of drugs, food addit., med. devices, colors, etc.

SIC: 283 807

Consumer and occupational health and safety, 6,000 responses, 6,000 hours; 1 form, not applicable under 3504 (h)

Gwendolyn Pla, 202-395-6880

The GLP regulations are intended to assure the quality and integrity of the safety data submitted to FDA in support of the approval of regulated products. The required reports will help assure that only safe products are approved for marketing.

- Alcohol, Drug Abuse, and Mental Health Administration Transition and Adaptation In Early Adolescence

Nonrecurring

Individuals or households

Fifth, sixth and seventh graders in

Montgomery County public school

Health, 925 responses, 925 hours; \$34,050 Federal cost, 2 forms, not applicable under 3504(H)

Gwendolyn Pla, 202-395-6880

The study examines the effect of school transition and the simultaneous entry into early adolescence on children's adjustment and adaptation in school, in relation to their lives outside the school. It does so from the perspective of the children themselves, their teachers and peers, and their parents.

## DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

*Extensions (Burden Change)*

- Office of Justice Assistance, Research and Statistics

Categorical Grant Progress Report

OJARS 4587/1

Quarterly

State or local governments/businesses or other institutions

St. Agen., Units of loc. govern., ed. instit. and other organ.

SIC: 922

Criminal justice assistance, 4,000 responses, 8,000 hours; \$137.50 Federal cost, 1 form, not applicable under 3504(H)

Andy Uscher, 202-395-4814

OMB circulars A-102 (attachment I) and A-110 (attachment H) require grant recipients to submit performance reports to the grantor agency. This form is used to satisfy this requirement. The information is used by grant monitors to track project progress.

## DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

## New

- Labor-Management Services Administration  
The Effectiveness of Area Labor-Management Committees LMSA-58T Nonrecurring  
Businesses or other institutions  
1 part in each labor-management committee in the study  
SIC: Multiple  
Other labor services, 130 responses, 130 hours; \$90,588 Federal cost, 1 form, not applicable under 3504(H)

Arnold Strasser, 202-395-6880

To study the characteristics of successful and unsuccessful area labor-management committees in order to develop criteria which could be employed by the Government to evaluate the chances to success of all area labor-management committee seeking government funds. Data collection to start on OMB approval of survey instruments and to be completed before December 31, 1981.

- Employment and Training Administration

PSE Participant Outcome and Termination Data

ETA-RC40

Monthly, other—see SF83

State or local governments

State and local agencies

SIC: 944

Training and employment, 12,298

responses, 2,366 hours; \$14,190 Federal cost, 1 form, not applicable under 3504(H)

Arnold Strasser, 202-395-6880

Data are needed to effectively monitor and manage the phaseout of public service employment and to provide management assistance to sponsors experiencing difficulty in transitioning participants into unsubsidized employment or training.

- Employment and Training Administration

Summary of Services to PSE Terminees

ETA-RC40A

Monthly, other—see SF83

State or local governments

State job service agencies

SIC: 944

Training and employment, 936

responses, 624 hours; \$5,876 Federal

cost, 1 form, not applicable under 3504(H)

Arnold Strasser, 202-395-6880

The report will be used to track the placement of PSE terminees into unsubsidized employment by the job service agencies.

## DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

## New

- Federal Highway Administration  
Program Evaluation Report  
FHWA 1452, 1453, 1465, 1466, 1466A  
Annually

Individuals of households

Highway engineers and engineering technicians

Ground transportation, 900 responses, \$1,500 Federal cost, 900 hours; 5 forms, not applicable under 3504(H)

Terry Grindstaff, 202-395-7340

Information collected from these forms will be used to monitor recipient's progress, gather course and grade information, and to keep abreast of the employment status of each recipient.

## CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—673-6042.

## Revisions

- Part 241—Uniform System of Accounts and Reports for Certified Air Carriers

41

Monthly

Business or other institutions

Certified air carriers

SIC: 451

Small business or organizations

Air transportation, 936 responses; 2,340 hours; 1 form, not applicable under 3504(H)

Terry Grindstaff, 202-395-7340

Would reduce the amount of fuel costs and consumption data reported by air carriers on current form 41 schedule P-12(A), "fuel consumption by type of service and specific operational markets." Also, would establish a new procedure for withholding these data from public disclosure until thirty days after the calendar quarter to which they relate. (See attached NPRM EDR-422.)

- Part 296—Air Freight Forwarders and Cooperative

Service Shippers Associations

296-E and 296-P

Annually

Businesses or other institutions

Air freight forwarders and cooperative shippers assoc.

SIC: 471

Small businesses or organizations

Air transportation; 392 responses; 392 hours; 1 form, not applicable under 3504(H)

Terry Grindstaff, 202-395-7340

To eliminate the registration and reporting requirements for air freight forwarders and cooperative shippers' associations. At this time, there is no longer a regulatory need for such information (see attached NPRM-EDR-421).

## ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Office—Mr. Phillip Ross—202-287-0747

## New

- Excess Emissions Report and Recordkeeping Requirements for <sup>1</sup> New, Modified or Reconstructed Gas Turbines

Quarterly

Businesses or other institutions

New, modified, or reconst. stat. gas turbines, etc.

SIC: Multiple

Pollution control and abatement, 68,985 responses, 68,985 hours; \$1,200 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Report is used to assure the source is using the proper operating and maintenance procedures and to detect possible violations of the standard.

- Emission Monitoring and Reporting Requirements for Electric <sup>1</sup> Utility Steam Generating Unit

Nonrecurring, Monthly, quarterly, other—see SF83 Business or other institutions

All new, modified or reconst. electric utility steam, etc.

SIC: 491

Pollution control and abatement, 11,315 responses, 11,315 hours; \$50,000 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

These requirements seek to insure the standard is being met without the need for a performance test. Source shall record continuous monitoring output for opacity SO<sub>2</sub>, NO<sub>x</sub>, and either oxygen or carbon dioxide, submit SO<sub>2</sub>, and NO<sub>x</sub>, data for each 24 hour period, and report

<sup>1</sup> Over the next several weeks, the Environmental Protection Agency will be requesting clearance for several hundred reporting and recordkeeping requirements that were administered previously without OMB approval. In order to provide a thorough review without unnecessarily disrupting EPA programs, OMB may grant interim approvals for many of these requests, after an initial screening. Interim approvals would be followed by the full reviews and final approval or disapproval decisions which would be announced in future editions of the Federal Register.

all excess emissions quarterly. Source must submit a quarterly report if fuel pretreatment is claimed and state that the monitoring system meets requirements. If data falls below a certain level source must submit information, etc.

- **Written Notification of Modification or Reconstruction**<sup>1</sup> Under New Source Performance Standards Nonrecurrent
- Businesses or other institutions  
All existing sources whose modification or reconst., etc.

SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small businesses or organizations  
Pollution control and abatement, 88 responses, 264 hours; \$500 Federal costs, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

So sources shall notify EPA if they plan any physical or operational change which may increase emissions, or replacement which will result in a reconstruction. This allows determination of whether such sources are subject without requiring individual inspections to see if sources are modifying or reconstructing.

- **Source Shall Maintain Records of Start-Ups, Shutdowns, and**<sup>1</sup> Malfunctions

720

On occasion

Businesses or other institutions

All sources covered under NSPS

SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small business or organizations

Pollution control and abatement, 720 responses, 180 hours; \$450 Federal cost, 360 forms, not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

To ensure continuous compliance, sources must keep records of the occurrence and duration of any start-up, shutdown or malfunction in the operation of the facility or air pollution equipment, or any periods when a continuous monitoring system is inoperative. EPA must make sure these are promptly corrected.

- **Excess Emissions Report and Recordkeeping Requirements for**<sup>1</sup> New, Modified or Reconstructed Kraft Pulp Mills

Quarterly

Businesses or other institutions

Kraft pulp mills

SIC: 261

Pollution control and abatement, 17,520 responses, 17,520 hours; \$800 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Report is used to help assure the use of proper operating and maintenance procedures and detect possible violations of the standard.

- **Notification Requirements—New Source Performance Standards**<sup>1</sup> Nonrecurrent

State or local governments/businesses or other institutions sources which become subject to NSPS during the year

SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small businesses or organizations  
Pollution control and abatement, 521 responses, 260 hours; \$538 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Notification provisions alert EPA to sources subject to new source performance standards. EPA does not possess the means to discover these sources without the notification requirements. Sources must provide notification for commencement of construction, anticipated and actual startup, continuous monitoring performance demonstration date, and date of performance test.

#### FEDERAL COMMUNICATIONS COMMISSION

**Agency Clearance Officer—Richard D. Goodfriend—632-7513**

#### *Extensions (Burden Change)*

- **Application for Authority To Construct a New Broadcast Station or Make Change in an Existing Broadcast Station**

301

On occasion

Businesses or other institutions

Licensees and permittees of AM, FM or TV broadcast stations

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce, 1,664 responses, 1,241,220 hours; \$904,350 Federal cost, 1 form; not applicable under 3504(H)

- **William T. Adams, 202-395-4814**

Filing is required when applying for authority to construct a new AM, FM, or TV commercial broadcast station or make changes in an existing station. The information supplied on application is used by lawyers, engineers, accountants and various para-professional personnel to determine whether applicant meets basic statutory and treaty requirements and whether the proposal will serve the public interest.

- **Application for Authorization in the Auxiliary Radio Broadcast Services**

313

On occasion

Businesses or other institutions

Licensees of AM, FM or TV broadcast stations

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce, 4,000 responses, 100,000 hours; \$25,011 Federal cost, 1 form; not applicable under 3504(H)

- **William T. Adams, 202-395-4814**

Filing is requested when applying for authority for remote pick-up, STL, or other station coming under the auxiliary radio broadcast services. The data is used to determine whether the proposal will serve the public interest.

- **Annual Programming Report 303-A**

Annually

Businesses or other institutions

All TV broadcast stations

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce, 1,050 responses, 8,400 hours; \$50,000 Federal cost, 1 form, not applicable under 3504(H)

William T. Adams, 202-395-4814

Data is used for several purposes: (1) Compiling statistical profiles of individual stations, (2) to make comparisons of programming between similar stations (similar in terms of market size, presence or absence of network affiliation (etc.)) (3) to assess the extent of public interest broadcasting; (4) for analysis and modeling of station programming decisions.

- **Application for New Broadcast Station License**

202

Nonrecurrent

Businesses or other institutions

Licensees and permittees of commercial broadcast stations

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce, 1,660 responses, 415,000 hours; \$67,611 Federal cost, 1 form; not applicable under 3504(H)

William T. Adams, 202-395-4814

Filing is required when applying for a license for a new commercial broadcast station. Used whenever the measurements in an antenna system indicate that the antenna common point resistance differs from that shown on the station authorization, and when a modification is made to the transmission system which would not possibly effect the operation of any colocated or nearby AM station. Data is extracted for inclusion or subsequent license.

- Application for Authority To Operate a Broadcast Station by Remote Control or Make Changes in a Remote Control Authorization

301-A

On occasion

Businesses or other institutions

Licensees and permittees of AM, FM or TV broadcast stations

SIC: 483

Small businesses or organizations

Other advancement and regulation of commerce, 283 responses, 4,245 hours; \$13,189 Federal cost, 1 form; not applicable under 3504(H)

William T. Adams, 202-395-4814

Filing is required when applying for remote control authority. The data submitted is reviewed by commission to determine conformance with provisions of the commission's rules and regulations, and information is extracted as appropriate, for inclusion on the applicant's license.

**FEDERAL RESERVE SYSTEM**

Agency clearance Officer—Carolyn B. Doying—202-452-3512.

*New*

- Weekly Report of Assets and Liabilities for Large U.S. Branches and Agencies of Foreign Banks FR 2069

On occasion

Businesses or other institutions

U.S. Branches and Agencies of FGN bks w/assets of \$750 M. etc.

SIC: 605

General Government, 2,548 responses, 8,918 hours; \$54,475 Federal cost, 1 form not applicable under 3504 (H)

Warren Topelius, 202-395-7340

The report provides current information on credit developments and sources of funds at branches and agencies. The data are used to analyze current banking and monetary conditions and in estimating the monetary aggregates. These are essential to FOMC in establishing growth ranges and measuring responses to credit actions.

**VETERANS ADMINISTRATION**

Agency Clearance Officer—R. C. Whitt—202-389-2146

*Revisions*

- Application for Change of Permanent Plan (Nonmedical Government Life Insurance)

29-1550

On occasion

Individuals or households

Insured veterans

Income security for veterans, 500

responses, 166 hours; \$1,202.22 Federal

cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880

The form is required by law, 38 U.S.C. 704 and 742. The information collected is used to determine the insured's eligibility to change his/her plan or insurance and process the request.

- Application for Ordinary Life Insurance (Modified Age 65)

29-8485 and 29-8700

On occasion

Individuals or households

Insured veterans

Income security for veterans, 1,000

responses, 83 hours; \$4,594 Federal cost, 2 forms; not applicable under 3504 (H)

Robert Neal, 202-395-6880

Application is necessary for the issuance of replacement insurance for modified life reduced at age 65. Information is used issuance of replacement ordinary life insurance.

- Notice—Payment not Approved

29-4499A

On occasion

Individuals or households

Insured veterans

Income security for veterans, 2,000

responses, 500 hours; \$2,569.18 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880.

The completed form is required by law, 38 CFR 8.23 the information collected is used to process the insured's request for reinstatement.

- Application for Reduction, Government Life Insurance

29-339

On occasion

Individuals or households

Insured veterans

Income security for veterans, 500

responses, 125 hours; \$1,217.22 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-295-6880

The completed form is required by law, 38 U.S.C. 706. The information collected is used to process the insured's request to reduce the amount of his/her insurance in force.

- Veterans Mortgage Life Insurance Statement

29-8636

On occasion

Individuals or households

Veterans

Veterans housing, 20 responses, 50

hours; \$17,595 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880

The completed form is required by law 38 U.S.C. 806. The information

collected is used to determine the eligibility of the application for the insurance.

- Loan and Cash Surrender Values

29-5772

On occasion

Individuals or households

Insured veterans

Income security for veterans, 27,000

responses, 4,500 hours; \$84,745 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880

The completed form is required by law, 38 U.S.C. 704 and 744. The information collected is used to process the insured's request for a loan or surrender of the policy.

- Statement of Applicant and/or Physical Examination Report

29-4465

On occasion

Individuals or households

Veterans

Income security for veterans, 2,500

responses, 3,250 hours; \$24,056 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880

The form is required by law, 38 U.S.C. 704, 715, 742, 748 and 781. The information is used to determine the applicant's eligibility for insurance.

*Extensions (Burden Change)*

- Mobile Home Loan Claim Under Loan Guaranty (Combination Loan Mobile Home Unit and Lot)

26-8630

On occasion

Businesses or other institutions

Loans holders

Sic: 611 612

Small businesses or organizations

Veterans housing, 60 responses, 20

hours; \$4,510.80 Federal cost, 1 form; not applicable under 3504(H)

Robert Neal, 202-395-6880

Form completed and submitted by holders of foreclosed VA guaranteed combination mobile home loans, and provides data as required by 38 U.S.C. 1819(C)(3) as a prerequisite to payment of any claim. Information is used to determine claim payment due the holder.

*Extensions (No Change)*

- Farm Survey and Overall Farm and Home Plan-Self-Proprietor Chapter 31, Title 38, U.S.C.

22-1905N

On occasion

Individuals or households/farms

On-farm veterans

Veterans education, training, and

rehabilitation, 30 responses, 60 hours;

\$2,853.60 Federal cost, 1 form; not applicable under 3504(H)  
Robert Neal, 202-395-6880

Required by 38 C.F.R. 21.201, this report provides information used in assessing potential of facility as a suitable training site and to assure training will effect rehabilitation.

• Request for Supplemental Information on Medical and Nonmedical Applications

LTR. 9-615 FL 29-615

On occasion

Individuals or households

Insured

Income security for veterans, 15,000 responses, 5,000 hours; \$9,800 Federal cost, 1 form; not applicable under 3504(H)

Robert Neal, 202-395-6880

This form letter is used to grant, reinstate, convert on change government life insurance. The data gathered is required by law (38 U.S.C. 704, 715, 742 and 748) for determination of eligibility.

• Supporting statement regarding marriage

VA 21-4171

On occasion

Individuals or households

Spouses of veterans

Income security for veterans, 2,400 responses, 800 hours; \$5,518 Federal cost, 1 form; not applicable under 3504(H)

Robert Neal, 202-395-6880

This form is used to obtain supporting statements attesting to the fact that the veteran and the veteran's spouse had established a marital relationship that is recognized by the community. In adjudicating the claim it must be established from statements of other persons that the parties did live together and hold themselves out before the community as husband and wife.

• Obtaining Original Information From Doctor

FL 29-551A

On occasion

Individuals or households

Physician

Income security for veterans, 28,000 responses, 9,333 hours; \$158,649 Federal costs, 1 form; not applicable under 3504(H)

Robert Neal, 202-395-6880

The form is used to solicit additional medical information needed when considering a claim for disability insurance benefits.

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-12362 Filed 4-22-81; 8:45 am]

BILLING CODE 3110-01-M

## POSTAL RATE COMMISSION

[Docket No. MC81-1]

### Mail Classification Schedule—Second-Class Mail Eligibility Requirements, 1981; Correction

Issued April 17, 1981.

In FR Doc. 81-1067, (Order Instituting Proceeding and Designating Officer of the Commission (Order No. 366); (Issued January 8, 1981)) appearing at pages 3098-3100, in the Federal Register of Tuesday, January 13, 1981, the following change should be made: On page 3099, column 3, paragraph A under heading "The Commission Orders", lines 7 and 8, remove the words "or a limited participator".

David F. Harris,

Secretary.

[FR Doc. 81-10181 Filed 4-22-81; 8:45 am]

BILLING CODE 7715-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 22013; 70-6555]

### Gulf Power Co; Proposed Issuance of Pollution Control Revenue Bonds

April 17, 1981.

Gulf Power Company ("Gulf"), 75 North Pace Boulevard, P.O. Box 1151, Pensacola, Florida 32520, an electric utility subsidiary of The Southern Company, ("Southern"), a registered holding company, has filed a declaration with this Commission under Sections 6(a), 7 and 9(b)(1) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

Pursuant to arrangements with Mississippi Power Company ("Mississippi"), an associate company, Gulf has under construction Unit No. 2 of a coal-fired steam electric generating station ("Plant Daniel") located in Jackson County, Mississippi ("County"). Unit No. 1 of Plant Daniel, presently owned by Mississippi, was placed in commercial operation in 1977. Gulf also has acquired from Mississippi a 50% undivided interest in certain facilities common to both units. Final consummation of such arrangements at or about the time commercial operation is commenced at Unit No. 2 (scheduled for 1981) will result in Gulf and Mississippi each becoming owners of 50% undivided interests as tenants in common Plant Daniel (including both Units No. 1 and No. 2). In order to comply with prescribed environmental standards for air and water quality of the State of Mississippi, it is necessary to construct facilities for this purpose

("Pollution Control Facilities"). By order dated April 19, 1978 (HCAR No. 20508), the Commission authorized Gulf's disposition and acquisition of the Pollution Control Facilities pursuant to an Installment Sale Agreement between the County and Gulf ("Original Agreement"). It is now proposed that the Original Agreement be amended by an Amended and Restated Installment Sale Agreement ("Agreement") to provide for the issuance by the County of its pollution control revenue bonds ("Revenue Bonds").

It is proposed that the County will issue its revenue bonds for the purpose of (1) paying the costs of the acquisition and construction of certain of the Pollution Control Facilities to be used in connection with Unit No. 2 of Plant Daniel ("Project") and (2) retiring the County's interim pollution control revenue note in the principal amount of \$1,500,000 ("Interim Note") heretofore issued to pay the costs of the acquisition and construction of certain of the Pollution Control Facilities to be used in connection with the related common facilities at Plant Daniel. It is presently estimated that the aggregate principal amount of Revenue Bonds to be issued by the County will not exceed \$30,000,000. The County is authorized by Mississippi law to issue the Revenue Bonds for such purposes. The proceeds of the sale of the Revenue Bonds will be deposited by the County with a Trustee under an indenture to be entered into between the County and such Trustee ("Indenture") pursuant to which the Revenue Bonds are to be issued and secured. Such proceeds will be applied to payment of the Cost of Construction (as defined in the Agreement) of the Project and to the retirement of the Interim Note. The Indenture will provide that the Revenue Bonds will be redeemable without premium, (a) at any time on or after a date not later than 10 years from the date of issuance, in whole or in part, at the option of Gulf, initially with a premium of up to 3% of the principal amount and declining by not less than 1/2 of 1% each year thereafter, and (b) in whole, at the option of Gulf, in certain other cases. The Revenue Bonds will mature from one to 30 years from the first day of the month in which they are initially issued and may be entitled to the benefit of a mandatory redemption sinking fund calculated to retire a portion of the aggregate principal amount of the issue prior to maturity.

The Agreement will provide for Gulf's payment of the purchase price of the Project in semi-annual installments over a term of years, and the assignment to

the Trustee of the County's interest in, and of the moneys receivable by the County under the Agreement. It will also provide that the purchase price of the Project payable to the County will be such amount as shall be sufficient (together with other moneys held for that purpose by the Trustee under the County's Indenture) to pay the principal premium, if any, and interest on the Revenue Bonds as the same become due and payable. The Agreement will obligate Gulf to pay the fees and charges of the Trustee.

In order to obtain the benefit of a rating for the Revenue Bonds equivalent to the rating accorded the first mortgage bonds outstanding under Gulf's indenture dated as of September 1, 1941 as supplemented and amended ("Mortgage"), Gulf proposes to obtain the authentication of a series of first mortgage bonds ("Collateral Bonds") under the Mortgage, as supplemented. To secure its obligations under the Agreement, Gulf proposes to deliver to the Trustee Collateral Bonds in principal amount equal to the principal amount of the Revenue Bonds. Delivery of the Collateral Bonds will be made concurrently with the issuance and delivery of the Revenue Bonds or as soon thereafter, in one of more deliveries, as Gulf can satisfy the conditions precedent to the issuance of the Collateral Bonds, including the earnings coverage requirement, under the Mortgage. The Collateral Bonds will bear interest at a rate equal to the interest rate per annum to be borne by the Revenue Bonds, will mature on the maturity date of such bonds, and will be non-transferable by the Trustee. The supplemental indenture will provide, however, that the obligation of Gulf to make payment with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Agreement sufficient to meet payments when due in respect of the Revenue Bonds. It will also provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the Revenue Bonds, or upon direction to the Trustee by Gulf to so apply funds available therefor, or upon delivery of outstanding Revenue Bonds to the Trustee by or for the account of Gulf, the Trustee will be obligated to deliver to Gulf, or for the account of Gulf, the related Collateral Bonds then held as collateral in an aggregate principal amount equal to the aggregate principal amount of Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered. Upon acceleration by the

Trustee of the principal amount of all outstanding Revenue Bonds, the Trustee may demand the mandatory redemption of the related Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The supplemental indenture may provide that, upon the optional redemption of the Revenue Bonds, in whole or in part, at any time after they have been outstanding for a period not longer than 10 years, an equal principal amount of the related Collateral Bonds will be redeemed at an initial premium of up to 3% declining by not less than 1/2% every year. Because interest accrues in respect of the series of the Collateral Bonds until satisfied by payments under the Agreement, annual interest charges in respect of the Collateral Bonds will be included in computing the interest earnings requirement restricting the amount of first mortgage bonds which may be issued and sold to the public in relation to Gulf's net earnings.

It is contemplated that the Revenue Bonds will be sold by the County pursuant to an agreement between the County and one or more underwriters. In accordance with the laws of the State of Mississippi, the interest rate to be borne by the Revenue Bonds will be determined by the County. Gulf will not be a party to such agreement for the underwriting of the Revenue Bonds. Bond counsel will issue an opinion that interest on the Revenue Bonds will be exempt from federal income taxation.

Gulf requests an exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) inasmuch as the Collateral Bonds are to be issued and pledged solely to secure Gulf's obligations to the County and no public offering by Gulf of the Collateral Bonds is to be made.

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 11, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the 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 filed or as it may be 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. 81-12251 Filed 4-22-81; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-17733; File No. SR-MSRB-81-3]

### Municipal Securities Rulemaking Board; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to officers of the Board; comments requested on or before May 14, 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 16, 1981, the Municipal Securities Rulemaking Board 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

(a) The Municipal Securities Rulemaking Board is filing herewith amendments to rule A-5 relating to officers and employees of the Board (hereafter referred to as "the proposed rule change") as follows:

Rule A-5. Officers and Employees of the Board

(a) No change.  
(b) Election of Officers of the Board. Officers of the Board shall be elected annually from among the members, by vote of the members, [as soon as practicable following the commencement of the term of the new members] *at the last regular meeting of the Board held prior to October 1 of each year.* Officers shall serve for a term commencing on the [date of] *October 1 next following their election and ending with the succeeding September 30 [next following their election, or until their successors are elected];* provided, however, that any officer may resign his office prior to the expiration of his term by filing a written notice of resignation with the Secretary

\*Italics indicate new language; [brackets] indicate deletions.

to the Board which shall specify the effective date of such resignation. In no event shall such date be less than 10 days or more than 30 days from the date of filing of such notice. If no date is specified, the resignation shall become effective 10 days from the date of filing. The Board may remove any officer at any time by two-thirds vote of the whole Board. Vacancies in office shall be filled as soon as practicable by vote of the members and any person elected to fill a vacancy shall serve for the remainder of his predecessor's term. [The election of the initial officers of the Board shall be held as soon as practicable following the effective date of this rule and the next election shall be held on or as soon as practicable after September 5, 1976.]

(c)-(d) No change.

## II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(1) Rule A-5(b) sets forth procedures for the election of officers of the Board, and for the resignation and removal of such officers. The rule presently provides for the annual election of officers of the Board "as soon as practicable following the commencement of the term of the new members." The Board has found this procedure generally unsatisfactory since it results in an interim period, while Board members elect new officers by mail, during which the Board has no officers. The Board, therefore, determined that it would be appropriate to amend rule A-5(b) to provide that Board officers be elected by the Board at its last regular meeting prior to commencement of the term of the new members. The Board concluded that this amendment would eliminate the time-consuming process of balloting by mail, permit the newly-elected Chairman and Vice-Chairman to assume office immediately upon the expiration of their predecessors' terms, and, thereby, effect a smooth and effective transition of official duties.

The proposed rule change also would delete a provision regarding the election of the initial officers of the Board which is obsolete.

(2) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(I) of the Securities Exchange Act which establishes the Board's general authority to adopt rules relating to the operation and administration of the Board, including, among other things, the selection of a

Chairman from among the members of the Board.

### B. Self-Regulatory Organization's Statement on Burden on Competition.

The proposed rule change does not affect the conduct of business by any broker, dealer, or municipal securities dealer. The Board therefore believes that the proposed rule change would not impose any burden on competition.

### C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing also will 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 14, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-12252 Filed 4-22-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17734; SR-NASD-81-5]

## National Association of Securities Dealers, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to policy of the Board of Governors on venture capital and other investments prior to public offerings; comments requested on or before May 14, 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 13, 1981 the National Association of Securities Dealers, Inc. (the "NASD" or the "Association") 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. NASD's Statement of Terms of Substance of the Proposed Rule Change

The proposed rule change deletes the Policy of the Board of Governors on Venture Capital and Other Investments Prior to Public Offerings (the "Venture Capital Policy" or the "Policy") as previously adopted by the Board of Governors of the NASD under Article III, Section 1 of the Rules of Fair Practice.

### II. NASD's Statements Regarding the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of such statements.

#### A. NASD's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Venture Capital Policy currently requires members and persons associated with members making certain private venture capital investments to hold securities so acquired for at least eighteen months from the date of acquisition. The Policy also requires any member selling a



portion of such holdings in a public offering to retain the balance for an additional three months following the public offering. Lastly, the Policy prohibits a member who sells such securities in a public offering from acting as an underwriter or participating in any way in the stream of distribution in the public offering.

The relevance of the aforementioned requirements of the Venture Capital Policy has been vitiated to a large extent by subsequent regulatory initiatives by the Commission and the Association. Specifically, the adoption by the Commission of Rule 144 under the Securities Act of 1933 settled some uncertainty which had existed at the time the Policy was adopted regarding criteria for determining whether private acquisitions of securities by members were in the nature of bona fide investments as opposed to acquisitions with a view to distribution. Rule 144 establishes a far more comprehensive regulatory framework applicable to resales of restricted securities and to the status of a member as a statutory underwriter under Section 2(11) of the Securities Act of 1933 than currently specified in paragraphs (1) and (2) of the policy.

In addition to the promulgation of Rule 144 by the Commission, adoption of Schedule E to the By-Laws of the Association (hereinafter referred to as "Schedule E") introduced an equally comprehensive regulatory framework applicable to a public offering of securities of an issuer deemed to be affiliated with a member. Schedule E constitutes a refinement of the regulatory concerns addressed in paragraph (3) of the Venture Capital Policy.

In any other situation in which a member proposes to participate in a subsequent public offering of securities by an issuer from whom the member had acquired securities in a private transaction within twelve months prior to a proposed public offering, the provisions of the Interpretation of the Board of Governors-Review of Corporate Financing (hereinafter referred to as the "Corporate Financing Interpretation" or the "Interpretation") would apply. To the extent that private acquisitions of securities by members do not currently comply with the holding periods stated in paragraphs (1) and (2) of the Policy, the Association believes the safeguards built into the Corporate Financing Interpretation offer an adequate regulatory mechanism for the

protection of public investors. Paragraph (1) of the policy currently establishes the superiority of the Interpretation in such instances.

In addition to the regulatory mechanisms afforded by Rule 144, Schedule E, and the Corporate Financing Interpretation, procedures are also available for members to seek guidance from the Commission and the Association regarding status as a statutory underwriter under Section 2(11) of the Securities Act of 1933. Therefore, to the extent any uncertainty may exist as a result of the deletion of the Venture Capital Policy, determinations may be made on a case-by-case basis regarding the status of members and/or persons associated with members as statutory underwriters.

The Association believes that the proposed deletion of the Policy in no way presents any serious potential for abuse by members contrary to Section 15A(b)(6) of the Securities Exchange Act of 1934 which requires that the rules of a national securities association be designed, in part, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. This belief is based on the Association's continuing commitment to diligently administer and enforce existing rules, policies, and interpretations referenced above which adequately address the regulatory concerns embodied in the Policy.

The Association also believes that the rather inflexible restrictions contained in the Venture Capital Policy may serve to discourage bona fide venture capital investment by members. Therefore, the Association maintains that deletion of the Venture Capital Policy is consistent with its statutory obligation also specified in Section 15A(b)(6) of the Securities Exchange Act of 1934 to remove impediments to a free and open market and is also consistent with recent Congressional and Commission initiatives enhancing the availability of venture capital to small business.

#### *B. NASD's Statement of Burden on Competition*

The Association believes that the proposed rule change will have a positive impact on competition. The proposed rule change will eliminate a potential burden on competition by removing restrictions imposed on venture capital investments by members

under the Venture Capital Policy which currently may place members at a competitive disadvantage in comparison to other parties.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be made available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file member in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

April 20, 1981.

[FR Doc. 81-12253 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22014; 70-6509]

**New England Electric System and New England Power Co.; Supplemental Notice of Proposal by Public Utility Subsidiary To Issue Preferred Stock and General and Refunding Mortgage Bonds; Holding Company To Make Capital Contributions to Subsidiary**

April 20, 1981.

New England Electric System ("NEES"), a registered holding company, and New England Power Company ("NEPCO"), 25 Research Drive, Westborough, Massachusetts 01581, a public utility subsidiary of NEES, have filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a), 7, 9 and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 42, 45 and 50 thereunder. NEPCO proposes to issue and sell preferred stock having a maximum aggregate par value of \$50,000,000 and general and refunding mortgage bonds in a maximum aggregate principal amount of \$100,000,000. Both the preferred stock and bonds will be issued at competitive bidding in one or more series during the 1981 calendar year. In addition, NEES proposes to make up to \$40,000,000 of capital contributions to NEPCO during the same time period.

NEPCO currently has outstanding two classes of cumulative preferred stock, one class having a par value of \$100 per share and the other a par value of \$25 per share. The preferred stock, of whichever class is issued, will be sold at between 100% and 102.75% of par. The price and dividend rate, which will be a multiple of .04%, will be determined by competitive bidding.

The general and refunding bonds will be issued under NEPCO's General and Refunding Mortgage Indenture and Deed of Trust dated January 1, 1977 as supplemented and as to be further supplemented by supplemental indentures. There will be a provision for sinking funds of 1% per annum on the largest principal amount of each new series outstanding at any time. The general and refunding bonds of each series will be secured by a like amount of first mortgage bonds issued under NEPCO's Indenture of Trust and First Mortgage dated November 15, 1936, as supplemented, and will bear interest at the same rate and have the same maturity as the contemporaneously issued series of general and refunding bonds. Neither the principal of, premium or interest on the first mortgage bonds will be payable unless a default occurs under the General and Refunding

Indenture or the First Mortgage Indenture.

It is stated that, if it appears financial conditions so require, NEPCO may request by amendment that it be granted an exception from the competitive bidding requirements of Rule 50 in connection with any series of preferred stock or general and refunding mortgage bonds for the purpose of negotiating with a group of underwriters for the sale of such securities.

The amended application-declaration is 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 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-12254 Filed 4-22-81; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 17380; SR-Phlx-80-24]

**Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change**

December 15, 1980.

On October 6, 1980, the Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would create an Allocation, Evaluation, and Securities Committee and an Executive Committee as standing Phlx committees.<sup>1</sup> The present Admissions Committee, Floor Procedures Committee, and Options Committee, which are standing committees, would be given additional

duties<sup>2</sup> and the Stock List Committee would be discontinued.<sup>3</sup> All the standing committees, except as otherwise provided in Phlx's By-Laws, would be composed of nine or more persons, to be appointed by Phlx's Chairman of the Board with the approval of the Phlx Board of Governors.<sup>4</sup>

A majority of the new Allocation, Evaluation and Securities Committee would be composed by members who conduct a public securities business, with the balance consisting of equity floor and options floor members.<sup>5</sup> It would have authority over the allocation, retention, and transfer of privileges to deal in securities on the equity and options trading floors. It also would perform the functions of the discontinued Stock List Committee involving the listing and delisting of equity securities.<sup>6</sup>

The new Executive Committee would consist of the following officials: the Phlx's Chairman of the Board (who would chair the Executive Committee), the two Vice Chairmen, the immediate past Chairman, the President, the Executive Vice President, and three other Board members to be appointed by the Chairman.<sup>7</sup> The Executive Committee would be authorized to implement and execute policy previously approved by the Board of Governors.<sup>8</sup>

The present Admissions Committee would have authority over admission and readmission to exchange membership.<sup>9</sup> Under the proposed rules, any applicant who is rejected for admission would be entitled to notification in writing as to the reasons and to a review or hearing by the Admissions Committee, and, if finally rejected by the Admissions Committee the applicant would be entitled to an appeal to the Board of Governors.<sup>10</sup>

The present Floor Procedure Committee would have additional responsibilities regarding equity floor supervision over specialists, odd-lot dealers, and floor brokers, and it would

<sup>1</sup> *Id.*, Sections 10-6, 10-12, and 10-15.

<sup>2</sup> *Id.*, Section 10-1(a).

<sup>3</sup> *Id.*, Further, except as otherwise provided in Phlx's By-Laws, the decision of a majority of members present at a committee meeting, where a quorum exists, would be the decision of the committee. *Id.* Section 10-3(a).

<sup>4</sup> *Id.*, Section 10-7(a), (b).

<sup>5</sup> *Id.*, Section 10-7(d). The current Section 10-14 of the By-Laws, which sets forth the present authority of the Stock List Committee, would be re-numbered as Section 10-7(d) under the provisions on the proposed Allocation, Evaluation and Securities Committee.

<sup>6</sup> Proposed By-Laws, Section 10-10(a).

<sup>7</sup> *Id.*, Section 10-10(b).

<sup>8</sup> *Id.*, Section 10-6(a).

<sup>9</sup> *Id.*, Section 12-4(b), (c), (f).

<sup>10</sup> Proposed Phlx By-Laws, Section 5-3.

be required to establish training procedures for equity floor members.<sup>11</sup>

The present Options Committee, in addition to its present responsibilities, would supervise all means of options floor communication, the location of equipment and use of floor space, and Phlx's relations with other options exchanges. Further, the Options Committee would have jurisdiction over the approval of underlying stocks for options trading and would make and enforce options floor decorum rules.<sup>12</sup>

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17251, October 17, 1980) and by publication in the Federal Register (45 FR 72853, November 3, 1980). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-12255 Filed 4-22-81; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 22010; 70-6582]

### Southern Co.; Proposed Issuance and Sale of Common Stock

April 17, 1981.

The Southern Company ("Southern"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder. Southern proposes to issue and sell additional shares of its common stock, par value \$5 per share. The number of shares to be sold will be an amount which will result in net proceeds to Southern of up to \$150,000,000. Net proceeds from the sale of the stock,

together with other available funds will be used to make capital contributions to the operating subsidiaries, to repay indebtedness and for other corporate purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit views in writing by May 11, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the 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 filed or as it may be 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. 81-12256 Filed 4-22-81; 8:45 am]  
BILLING CODE 8010-01-M

### DEPARTMENT OF STATE

[Public Notice 752]

#### United States-Canada Treaty on Pacific Coast Albacore Tuna Vessels and Port Privileges; Finding of No Significant Impact

AGENCY: Department of State.

ACTION: Finding of No Significant Impact.

SUMMARY: The Office of Fishery Affairs, Department of State has prepared an Environmental Assessment on the Treaty between the Government of Canada and the Government of the United States on Pacific Coast Albacore Tuna Vessels and Port Privileges.

The proposed action is to conclude a Treaty with the Government of Canada that will provide reciprocal port privileges for albacore tuna vessels of the United States and Canada. The Treaty will also ensure that neither Party will interfere with vessels of the other Party when fishing for albacore tuna off the Pacific coasts of Canada and the United States pursuant to the Treaty.

The environment directly affected by the Treaty includes the waters off the west coast of the U.S. and Canada, from Baja California to British Columbia, where the North American coastal fishery for albacore takes place. The target species in this fishery is the highly migratory North Pacific stock of albacore tuna (*Thunnus alalunga*).

Considering the condition of the albacore stock, the level of recent catches with respect to the maximum sustainable yield, and the small relative increase in fishing effort and total albacore catches expected, no significant adverse impacts are anticipated as a result of concluding the proposed Treaty. No irreversible or irretrievable commitments of water, land or air resources have been identified.

Copies of the Environmental Assessment may be obtained from Irene F. Dybalski, OES/ENH, Room 7820, Department of State, Washington, D.C. 20520 (202-632-9269).

Dated: April 16, 1981.

Donald R. King,  
Director, Office of Environment and Health.

[FR Doc. 81-12179 Filed 4-22-81; 8:45 am]  
BILLING CODE 4710-09-M

### DEPARTMENT OF TRANSPORTATION

#### Federal Highway Administration

#### Environmental Impact Statement; Passaic County, New Jersey

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Passaic County, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989-2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), will be preparing an Environmental Impact Statement on a proposed action to complete the unfinished interchange of Interstate 80 with State Route 20 (Federal Project No. M-8149 (103)) and to provide a ½ mile roadway link to the city of Paterson's

<sup>11</sup> Proposed By-Laws Section 10-12.

<sup>12</sup> *Id.*, Section 10-15.

central business district (CBD) Loop Road. The purpose of the project is to improve safety, provide better access to Paterson's CBD and to relieve traffic congestion on local streets. At present, large numbers of vehicles from Route 20 and I-80 enter abruptly onto the local street network.

Alternatives under consideration include (1) completion of the Route 20 and I-80 interchange with a continuation of Route 20 as a boulevard on structure over Grand Street connecting to the CBD Loop Road at Main Street, (2) completion of the Route 20 and I-80 interchange with a continuation of Route 20 as a boulevard crossing Grand Street at-grade and connecting to the CBD Loop Road at Main Street, and (3) the no-build alternative. The FHWA and NJDOT have been consulting with federal, state, and local agencies on their areas of responsibility for several years. Public information meetings have also been held, therefore, no formal scoping meeting is planned at this time.

Issued on: April 15, 1981.

John J. Kessler, Jr.,

Division Administrator, Trenton, New Jersey.

[FR Doc. 81-12236 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-22-M

#### Environmental Impact Statement: Matanuska-Susitna Borough, Alaska

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

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the Matanuska-Susitna Borough, Alaska near the town of Wasilla.

**FOR FURTHER INFORMATION CONTACT:** Glenn E. Johns, Environmental Coordinator, Federal Highway Administration, P.O. Box 1648, Juneau, Alaska 99801, Telephone: (907) 586-7419; or Terry Fleming, Central Regional Environmental Coordinator, Alaska Department of Transportation and Public Facilities (DOT/PF), 4111 Aviation Avenue, Anchorage, Alaska 99502, Telephone (907) 266-1506.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Alaska Department of Transportation and Public Facilities, will prepare an environmental impact statement (EIS) on a proposal to improve a portion of the George Parks Highway (Alaska Route 3) adjacent to the town of Wasilla in the Matanuska-Susitna Borough. The proposed improvement would involve

construction of a four lane limited access highway at a new location that would remove the through traffic from the congested Wasilla business district and adjoining developed areas. The new highway portion would be up to 15 miles long depending on the ultimate route.

Improvement to the corridor is considered necessary to provide a smooth and efficient flow of traffic past the existing congested area and to alleviate traffic congestion within Wasilla.

Alternative under consideration include: (1) taking no action; (2) various routes; (3) widening the existing two lane highway to four lanes with limited access. Incorporated into and studied with the various major alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Two scoping meetings are planned to solicit comments from appropriate Federal, State and local agencies, private organizations and citizens in order to identify the range of alternatives, impacts and significant issues to be addressed in the EIS. One meeting will be held in Anchorage during working hours and the other will be held in Wasilla in the evening. In addition, a public hearing will be held after completion of the draft EIS. Public notice will be given of the time and place of the scoping meetings and hearing. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or to the DOT/PF at the addresses provided above.

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

Issued on: April 13, 1981.

Gene A. Hanna,

Division Administrator.

[FR Doc. 81-12171 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-22-M

#### National Highway Traffic Safety Administration

[Docket No. 81-06; Notice 1]

#### Heavy Truck Accident Causation Study

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Establishment of public docket and invitation to comment.

**SUMMARY:** This notice announces the opening of a public docket on truck accident causation and the collection and analysis of truck accident data; and provides an opportunity for the public to present comments and suggestions. This action is intended to assist the agency in completion of a final report to Congress on truck accident data collection, accident causation and injury causation including recommendations leading to the development of countermeasures. NHTSA anticipates placing documents generated during the course of this effort in the docket and invites written comments and suggestions from groups or individuals interested in heavy truck accident causation, injury causation and/or data collection.

**DATE:** To ensure maximum consideration of all comments and suggestions, individuals or groups wishing to comment on specific documents placed into the docket are requested to do so within 30 days of publication of the notice requesting comment. Compliance with this request will aid the agency in the timely development of all phases of the report and in meeting the Congressional deadline for submitting the completed product. The docket will remain open indefinitely but only those comments submitted in accordance with this procedure will be considered in preparing the final report to Congress.

**ADDRESSES:** Comments and suggestions should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Joseph Cameron, Office of Plans and Programs, Room 5212, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 426-1570.

**SUPPLEMENTARY INFORMATION:** The Senate Appropriations Committee has directed the Department of Transportation to undertake a comprehensive data collection and analysis of accidents involving large

trucks—those with gross vehicle weights of more than 10,000 pounds. The final report and recommendations are to be submitted no later than January 15, 1982.

The Committee has directed the Department to conduct this undertaking in cooperation with other Federal agencies, State transportation or highway departments, truck manufacturers, operators and carriers, labor organizations, associations, police officials, accident investigators and researchers, insurance companies and other affected parties. As one means of effecting this desired involvement, information and summaries generated during the course of this study will be placed into the docket. This will allow interested individuals and groups to make written comments and suggestions in order to assist the agency in completing the report. The items to be published for comment and suggestion include:

1. A summary work plan developed for this study, which is now available in the Public Docket for review and comment.

2. A comprehensive synthesis of truck accident research and statistics that collectively describes the vehicle, environment, and human elements of accidents. Research is defined as any effort designed to collect or analyze truck accident or exposure data and will be limited to experience in the United States.

3. Periodic summary progress reports covering development of the report.

In order to facilitate the review of comments and suggestions it is requested that submissions be limited to no more than 10 pages and that 5 copies be supplied of each document submitted.

(Section 106, Public Law 89-563; 15 U.S.C. 1395)

Issued on April 15, 1981.

Barry Felrice,

*Associate Administrator for Plans and Programs.*

[FR Doc. 81-11915 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-59-M

### Contract Briefing; Cancellation

The National Highway Traffic Safety Administration has cancelled the public meeting on April 24, 1981, scheduled to present the results of the first task of a study entitled "Heavy Truck and Bus Speed Control Development/Demonstration Program."

The briefing, presenting the relevant results of the available data and experience from vehicles using road-speed governors or other speed-control

strategies to encourage drivers to conserve fuel will be rescheduled.

Additional information may be obtained from William J. Sulak (202) 426-9502, the contract technical manager, or Mr. Henry Sciff, (202) 426-4560, Acting Manager of the Voluntary Program.

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

The original notice of Public Meeting appeared in the April 9, *Federal Register*.

Kennerly H. Digges,

*Acting Associate Administrator for Research and Development.*

[FR Doc. 81-12080 Filed 4-22-81; 8:45 am]

BILLING CODE 4910-59-M

### [Docket No. IP81-9; Notice 1]

#### Chrysler Corp.; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Chrysler Corporation of Detroit, Michigan has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 and Table 2 of Standard No. 101-80 require that certain displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Chrysler has imported over 1,500 of its 1981 Plymouth Arrow and Dodge Ram 50 pickup trucks, manufactured by Mitsubishi Motors Corporation, since September 1, 1980, in which the turn signal telltale symbols, while arrow-shaped, lacked the barbed arrow configuration specified by the standard. In addition, it imported 50 Plymouth Champ and Dodge Colt vehicles without the identifying symbols for fuel level and coolant temperature, although the gauges were labelled respectively "FUEL" and "TEMP". All vehicles are compliant with Standard No. 101, but

noncompliant with Standard No. 101-80. Chrysler argues that use of the previously acceptable configurations creates no safety hazard as they are readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of Chrysler Corporation described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the *Federal Register* pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively. Comment closing date: May 26, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 16, 1981.

Michael M. Finkelstein,

*Associate Administrator for Rulemaking.*

[FR Doc. 81-12108 Filed 4-22-81; 6:45 am]

BILLING CODE 4910-59-M

### [Docket No. IP81-10; Notice 1]

#### Chrysler Corp.; Receipt of Petition for Determination of Inconsequentiality

Chrysler Corp. Detroit, Michigan ("Chrysler" herein), has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire Selection and Rims for Passenger Cars*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decisions or other exercise of judgment concerning the merits of the petition.

Approximately 17,000 1981 model Plymouth Reliant and Dodge Aries passenger cars equipped with bucket seats may carry tire inflation placards

(required by Standard No. 110) with an incorrect seating capacity and vehicle capacity weight. The placards indicate that the front seating capacity is three persons when the correct capacity is two, that the occupant capacity is six when actually it is five, and that the total passenger capacity weight is 1,050 pounds when it is 900 pounds.

Chrysler argues that the incorrect seating capacity noncompliance is inconsequential because the physical limitations of the vehicle preclude the addition of a third passenger in the front compartment. Further, even if the vehicle were loaded with an additional 150 pounds, its tire load limits would not be exceeded, because they "are identical to . . . passenger cars equipped with bench seats and six-passenger seating capacity." Chrysler also references previous agency grants of petitions concerning identical noncompliances by General Motors (Dockets Nos. IP78-6 and IP79-11).

Interested persons are invited to submit written data, views, and arguments on the petition of Chrysler Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and will comments received after the closing

date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: May 26, 1981.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 [15 U.S.C. 1417]; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-12169 Filed 4-20-81; 8:45 am]

BILLING CODE 4910-59-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Letter to the Acting Commissioner of Customs Concerning Imposition of Non-Member Import Quotas Under the International Sugar Agreement

Executive Order No. 12224 of July 1, 1980, delegated to the United States Trade Representative the powers and duties of the President under the International Sugar Agreement, 1977, Implementation (Public Law 96-236; 94 Stat. 336).

The attached letter was sent to the Acting Commissioner of Customs implementing provisions for non-member imports in accordance with Article 57 of the International Sugar Agreement.

David R. Macdonald,

Deputy-Designate.

Mr. William T. Archey,

Acting Commissioner of Customs,  
Washington, D.C.

April 15, 1981.

Dear Mr. Archey: Headnote of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) gives the United States Trade Representative or his designee the authority to allocate the sugar import quotas to the extent necessary to conform with provisions of the International Sugar Agreement (ISA). Because prices have remained above the operative level, sugar import quotas from non-members have not been in effect since early 1980. However, recent declines in sugar prices requires imposition of those quotas.

Under the terms of the ISA Article 57, sugar imports by ISA members from non-member exporters are limited by quota. These import quotas are suspended, however, when the prevailing price of sugar as defined in Article 61 exceeds 23 cents per pound for 5 days and reestablished when the prevailing price of sugar drops below 21 cents per pound and remains there for 5 consecutive market days. The International Sugar Organization has notified the United States Trade Representative that the price of sugar as measured by the International Sugar Agreement 15-day average is below 21 cents per pound and as stipulated under Article 57 of the Agreement, April 15, will constitute 5 days at that price. After 3 more working days importing members, including the United States, will have to impose restrictions on non-member imports (Tuesday, April 21). The current U.S. non-member import limitation under Article 57 is 74,384 tons.

We would appreciate your expeditious implementation of these adjustments.

Very truly yours,

David R. Macdonald,

Designate.

[FR Doc. 81-12167 Filed 4-22-81; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 78

Thursday, April 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Items
Commodity Futures Trading Commission .....	1, 2
Federal Home Loan Bank Board .....	3
National Mediation Board .....	4
Securities Exchange Commission .....	5

### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10 a.m., April 28, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Draft Temporary Regulations for Certain Gold and Silver Leverage Transactions: The Commission will consider recommendations from the Office of the General Counsel for proposed rules for the conduct of the leverage business.

Amendments to the Commodity Pool Operator and Commodity Trader Advisor Regulations: The Commission will consider the recommendation of the Division of Trading and Markets to adopt amendments to the Commission's commodity pool operator and commodity trading advisor regulations.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

[S-641-81 Filed 4-20-81; 3:56 pm]

**BILLING CODE** 6351-01-M

## 2

### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11 a.m., Friday, May 1, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

Surveillance briefing.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

[S-6331-01 Filed 4-21-81; 1:06 pm]

**BILLING CODE** 6351-01-M

## 3

### FEDERAL HOME LOAN BANK BOARD.

**TIME AND DATE:** 10 a.m., Thursday, April 30, 1981.

**PLACE:** 1700 G Street N.W., board room, sixth floor, Washington, D.C.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Marshall (202-377-6679).

**MATTERS TO BE CONSIDERED:** The following items will appear on the Bank Board meeting scheduled for Thursday, April 30, 1981.

Application for Bank Membership—The Union Savings Bank of Long Island Patchogue, New York

Request for a Commitment to Insure Accounts—Safety Savings & Loan Association, North Las Vegas, Nevada (New Stock Association)

Modification of Condition Re: Proposed Merger of—Yosemite Savings & Loan Association, Modesto, California with Valley Federal Savings & Loan Association, Van Nuys, California

Applications for Bank Membership and Insurance of Accounts—Unity Savings & Loan Association (Stock), West Hollywood, California

Application for Merger—Carlton County Federal Savings & Loan Association, Cloquet, Minnesota into Twin City Federal Savings & Loan Association, Minneapolis, Minnesota

Holding Company Acquisition and Merger—Imperial Corporation of America, San Diego, California to acquire USLIFE Savings & Loan Association, Los Angeles, California and merge said savings and loan with Imperial Savings & Loan Association, San Francisco, California

No. 479, April 21, 1981.

[S-642-81 Filed 4-21-81; 1:03 pm]

**BILLING CODE** 6720-01-M

## 4

### NATIONAL MEDIATION BOARD.

**TIME AND DATE:** 2 p.m., Wednesday, May 6, 1981.

**PLACE:** Board Hearing Room, Eighth floor, 1425 K Street NW., Washington, D.C.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of April, 1981.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

**SUPPLEMENTARY INFORMATION:** Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

#### CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Dated: April 20, 1981.

[S-644-81 Filed 4-21-81; 2:19 pm]

**BILLING CODE** 7550-01-M

## 5

### SECURITIES EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 27, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, April 29, 1981, at 10:00 a.m. and on Thursday, April 30, 1981, following the 10:00 a.m. open meeting. An open meeting will be held on Thursday, April 30, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(B)(9)(A) and (10) and 17 CFR 200.402(a)(4)(B)(9)(i) and (10).

Acting Chairman Loomis and Commissioners Friedman and Thomas determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, April 29, 1981, at 10:00 a.m., will be:

Litigation matters.

Freedom of Information Act appeals.

Consideration of *amici* participation.

Access to investigative files by Federal,

State, or Self-Regulatory authorities.

Formal orders of investigation.

Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive action.

Subpoena enforcement action.

The subject matter of the closed meeting scheduled for Thursday, April 30, 1981, following the 10:00 a.m. open meeting, will be:

Opinions.

Institution of injunctive action.

Report of investigation.

Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, April 30, 1981, at 10:00 a.m., will be:

1. Consideration of whether to issue an order authorizing Middle South Energy, Inc., ("MSEI") a wholly owned subsidiary of Middle South Utilities, Inc. a holding company registered under the Public Utility Holding Company Act of 1935, to pay a fee to The First Boston Corporation for services rendered as financial advisor in connection

with MSEI's private placement of first mortgage bonds. First Boston renegotiated with MSEI for a higher fee, which it considers not unreasonable because of extraordinary circumstances. For further information, please contact Kenneth D. Israel at (202) 523-5686.

2. Consideration of whether to issue a release adopting amendments to Instruction 5 to Item 5 of Regulation S-K which would (1) establish a threshold which would permit registrants to omit disclosures about certain environmental proceedings to which a governmental authority is a party, and (2) require that registrants disclose (or furnish upon request) the names and addresses of the governmental authorities from which compliance-related reports pertaining to disclosable environmental proceedings can be obtained. These proposed amendments would implement recommendations contained in the recent *Staff Report on Corporate Accountability*, and are intended to improve the quality and utility of disclosure and reduce burdens. For further information, please contact Stephen W. Hamilton at (202) 272-2390.

3. Consideration of whether to issue a release adopting an amendment to Rule 11a1-5 which would permit Registered Equity Market Makers and Registered Competitive Market Makers registered on the American Stock Exchange and New York Stock Exchange respectively, to credit revenues derived from their transactions as such

towards satisfaction of the "business mix" test of Section 11(a)(1)(G) of the Securities Exchange Act and Rule 11a1-1(T) thereunder. For further information, please contact Stuart Strauss at (202) 272-2413.

4. Consideration of whether to adopt amendments to Regulation S-X which would significantly change the circumstances under which separate financial statements of the parent company only, of unconsolidated subsidiaries and 50 percent or less owned persons and of consolidated subsidiaries engaged in diverse financial activities are required to be filed. The proposed amendments would reduce the number of instances where separate financial statements are required and are designed to, among other things, place greater reliance on summarized and condensed financial information. For further information, please contact Lawrence C. Best at (202) 272-2130.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

April 21, 1981.

[S-645-01 Filed 4-21-81; 3:04 pm]

BILLING CODE 8010-01-M



# **federal register**

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Thursday  
April 23, 1981

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**Part II**

## **Reader Aids**

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**List of Acts Requiring Publication in the  
Federal Register, 1980**

## LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER, 1980

## Additions to Table III, January 1980 through December 1980

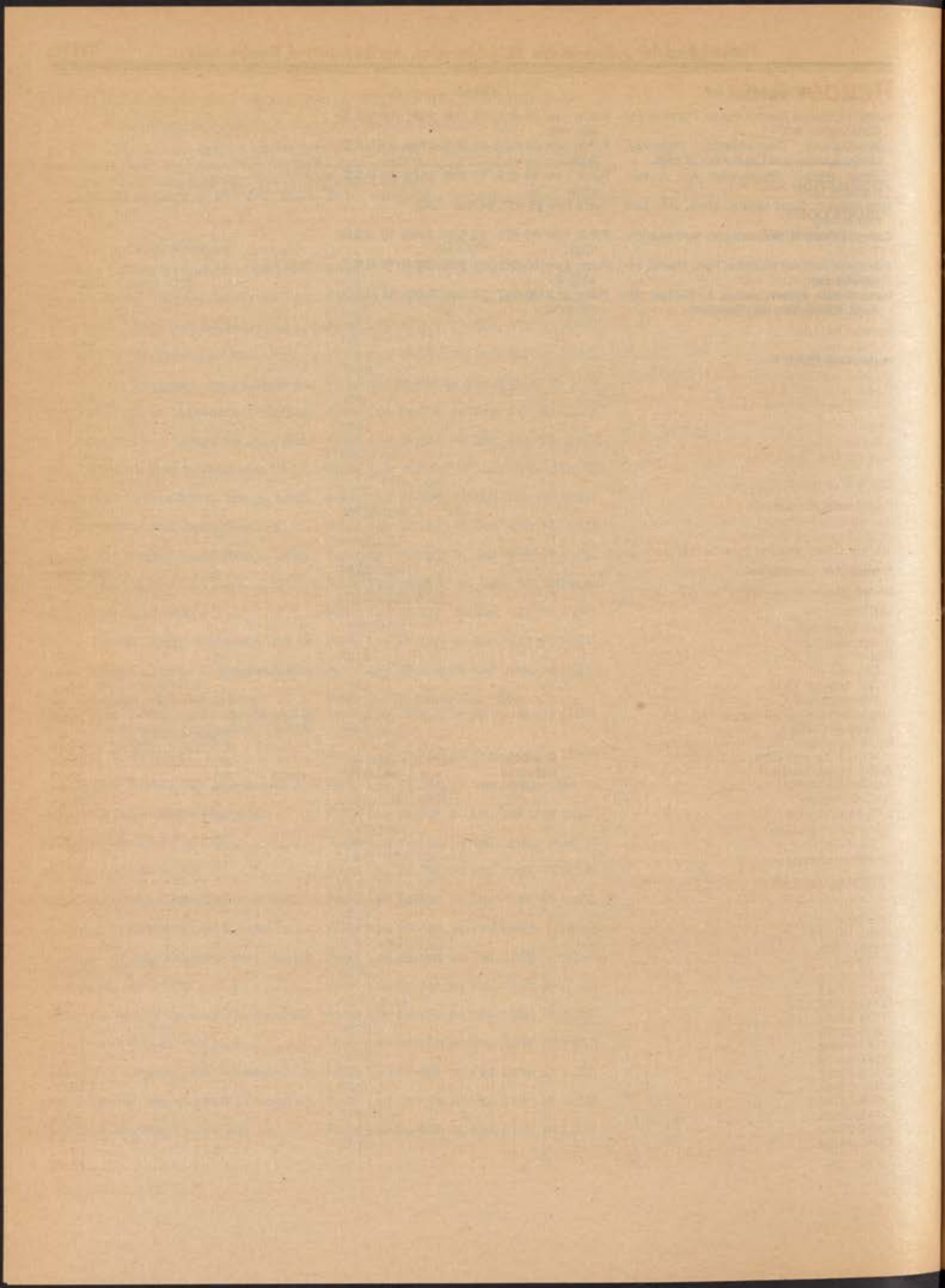
This table lists the subject matter, public law number, and citations to the U.S. Statutes at Large and U.S. Code for those Acts of the second session of the 96th Congress which require publication in the Federal Register.

Table III appears in the CFR Index and Finding Aids volume revised as of January 1, 1981.

<i>Description of Act</i>	<i>Citation</i>
Depository Institutions Deregulation and Monetary Control Act of 1980.	Public Law 96-221; 94 Stat. 191; 12 U.S.C. 191 note.
Crude Oil Windfall Profit Tax Act of 1980.....	Public Law 96-223; 94 Stat. 229; 26 U.S.C. 1 note.
Paiute Indian Tribe of Utah Restoration Act.....	Public Law 96-227; 94 Stat. 319; 25 U.S.C. 765.
Civil Rights of Institutionalized Persons Act.....	Public Law 96-247; 94 Stat. 352; 42 U.S.C. 1997e.
Federal Trade Commission Improvements Act of 1980.	Public Law 96-252; 94 Stat. 374; 15 U.S.C. 58 note.
Rock Island Railroad Transition and Employee Assistance Act.	Public Law 96-254; 94 Stat. 418; 45 U.S.C. 562.
Bon Secour National Wildlife Refuge, establishment.	Public Law 96-267; 94 Stat. 483; 16 U.S.C. 668dd note.
Deep Seabed Hard Mineral Resources Act.....	Public Law 96-283; 94 Stat. 565, 573; 30 U.S.C. 1416, 1426.
Tensas River National Wildlife Refuge, establishment.	Public Law 96-285; 94 Stat. 595; 16 U.S.C. 668dd note.
Biscayne National Park, establishment.....	Public Law 96-287; 94 Stat. 599; 16 U.S.C. 410gg.
Bogue Chitto National Wildlife Refuge, establishment.	Public Law 96-288; 94 Stat. 603; 16 U.S.C. 668dd note.
Energy Security Act.....	Public Law 96-294; 94 Stat. 644, 680; 42 U.S.C. 8722, 8781.
Motor Carrier Act of 1980.....	Public Law 96-296; 94 Stat. 793; 49 U.S.C. 10101 note.
Ocean Thermal Energy Conversion Act of 1980.	Public Law 96-320; 94 Stat. 979; 42 U.S.C. 9112.
Marine Protection, Research, and Sanctuaries Act of 1972, amendments.	Public Law 96-332; 94 Stat. 1057; 16 U.S.C. 1432.
Tule River Indian Tribe, lands in trust.....	Public Law 96-338; 94 Stat. 1067.
Historic Sites, Buildings, and Antiquities Act of 1935, administration improvement; Georgia O'Keeffe National Historic Site.	Public Law 96-344; 94 Stat. 1133; 16 U.S.C. 461 note.
Regulatory Flexibility Act.....	Public Law 96-354; 94 Stat. 1164; 5 U.S.C. 601 note.
Multiemployer Pension Plan Amendments Act of 1980.	Public Law 96-364; 94 Stat. 1220, 1264; 29 U.S.C. 1384, 1306.
West Valley Demonstration Project Act.....	Public Law 96-368; 94 Stat. 1347; 42 U.S.C. 2021a note.
Education Amendments of 1980.....	Public Law 96-374; 94 Stat. 1445, 1498; 20 U.S.C. 1089, 1221e-4.
Mental Health Systems Act.....	Public Law 96-398; 94 Stat. 1588; 42 U.S.C. 9461.
Maine Indian Claims Settlement Act of 1980.....	Public Law 96-420; 94 Stat. 1787; 25 U.S.C. 1723.
Automobile Fuel Efficiency Act of 1980.....	Public Law 96-425; 94 Stat. 1822, 1825; 15 U.S.C. 2003, 2002.
Manassas National Battlefield Park Amendments of 1980.	Public Law 96-442; 94 Stat. 1885; 16 U.S.C. 429b.
Staggers Rail Act of 1980.....	Public Law 96-448; 94 Stat. 1895; 49 U.S.C. 10101 note.
Rattlesnake National Recreation Area and Wilderness Act of 1980.	Public Law 96-476; 94 Stat. 2272; 16 U.S.C. 460//-3.
Act to Prevent Pollution from Ships.....	Public Law 96-478; 94 Stat. 2299; 33 U.S.C. 1905.
Solid Waste Disposal Act Amendments of 1980.	Public Law 96-482; 94 Stat. 2336; 42 U.S.C. 6921.
Alaska National Interest Lands Conservation Act.	Public Law 96-487; 94 Stat. 2371; 16 U.S.C. 3101 note.
Omnibus Reconciliation Act of 1980.....	Public Law 96-499; 94 Stat. 2625; 42 U.S.C. 1395u.

<i>Description of Act</i>	<i>Citation</i>
Pacific Northwest Electric Power Planning and Conservation Act.	Public Law 96-501; 94 Stat. 2697; 16 U.S.C. 839 note.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980.	Public Law 96-510; 94 Stat. 2785; 42 U.S.C. 9608.
National Historic Preservation Act Amendments of 1980.	Public Law 96-515; 94 Stat. 2988; 46 U.S.C. 470a.
Mdewakanton Sioux Indians, Minn., U.S. land held in trust.	Public Law 96-557; 94 Stat. 3262.
Salmon and steelhead resources conservation...	Public Law 96-561; 94 Stat. 3280; 16 U.S.C. 3321.
Kalaupapa National Historical Park, Hawaii, establishment.	Public Law 96-565; 94 Stat. 3321; 16 U.S.C. 410jj-2.
National park system; James A. Garfield National Historic Site, establishment.	Public Law 96-607; 94 Stat. 3545; 16 U.S.C. 461 note.

BILLING CODE 1505-02-M



# Reader Aids

Federal Register

Vol. 46, No. 78

Thursday, April 23, 1981

## INFORMATION AND ASSISTANCE

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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 CFR 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
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited.

Comments should be submitted to the

Day-of-the-Week Program Coordinator,  
Office of the Federal Register,  
National Archives and Records Service,  
General Services Administration,  
Washington, D.C. 20408.

## List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

[Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.]

## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register 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.