

federal register

Wednesday
May 6, 1981

Highlights

- 25377 Grant Programs—Justice** Justice/NIJ announces a grant or cooperative agreement for a 21 month research project aimed at examining the role of private counsel in indigent defense.
- 25328 Community Development** ACTION revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program.
- 25326 Regulatory Agenda** FMC
- 25290 Consumer Protection** FTC changes its appliance labeling rule by revising the ranges of comparability used on required labels for clothes washers.
- 25321 Consumer Protection** CAB proposes to revise its consumer credit regulations.
- 25352 Loan Programs—Medicine** HHS/PHS announces that for the period ending 6-30-81, two interest rates are in effect for loans executed through the HEAL Program.
- 25291 Income Tax** Treasury/IRS provides temporary regulations for making various elections relating to the discharge of indebtedness and to bankruptcy, insolvency, and similar proceedings.

CONTINUED INSIDE



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for \$75.00 per year, or \$45.00 for six months, payable in advance. The charge for individual copies is \$1.00 for each issue, or \$1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Highlights

- 25332, Grant Programs—Minority Businesses**
25333 Commerce/MBDA seeks applicants under its General Business Services Program (GBS) to operate one project for a 12 month period beginning 9-1-81 within the geographic confines of the Indianapolis, Milwaukee and St. Louis Metropolitan Statistical Areas. (3 documents)
- 25382 Securities** Treasury/Sec'y invites tenders for United States securities, Series K-1984, Series A-1991 and Treasury Bonds of 2000-2011.
- 25315 Petroleum** DOE/ERA proposes to rescind the Tertiary Incentive Program in the crude oil price regulations with respect to any allowed expenses incurred or paid after 3-18-81.
- 25411 Chemicals** EPA holds in abeyance its May 2, 1980 proposed amendment to prohibit the use of polychlorinated biphenyl items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. (Part II of this issue)
- 25358 Continental Shelf** Interior/GS announces the availability of environmental documents prepared for Outer Continental Shelf (OCS) mineral exploration proposals on the Gulf of Mexico OCS.
- 25414- Air Carriers** CAB reduces record retention
25419 requirements. (7 documents)
- 25337 Privacy Act Document** DOD/Navy
- 25389 Sunshine Act Meetings**
- Separate Parts of This Issue**
- 25411** Part II, EPA
25414 Part III, CAB

Contents

Federal Register

Vol. 46, No. 87

Wednesday, May 6, 1981

- ACTION NOTICES**
- 25328 Foster Grandparent and Senior Companion programs; income eligibility levels
- Agency for International Development NOTICES**
- Authority delegations:
- 25373 Bjorlykke, Arthur; redelegation of authority revoked
- 25373 Egypt, Mission Director; contracting functions
- 25374 Indonesia, Mission Director; contracting functions
- 25374 Philippines, Mission Director; contracting functions
- 25374 Potocki, Raymond J.; contracting functions
- Agricultural Marketing Service NOTICES**
- Stockyards; posting and deposting:
- 25328 Cedar Valley Livestock Exchange, Inc., Iowa, et al.
- Agriculture Department**
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service.
- Animal and Plant Health Inspection Service NOTICES**
- 25329 Gypsy moth; 1981 cooperative regulatory program activities; locations and treatments; availability
- Army Department**
See also Engineers Corps.
- NOTICES**
- Meetings:
- 25336 Science Board
- Arts and Humanities, National Foundation NOTICES**
- Meetings:
- 25379 Music Panel (2 documents)
- Centers for Disease Control**
See also National Institute for Occupational Safety and Health.
- NOTICES**
- Meetings:
- 25352 National Immunization Conference, Sixteenth
- Civil Aeronautics Board**
- RULES**
- 25414- Air carrier accounts, records and memoranda, preservation; record retention requirements (7 documents)
- 25419
- PROPOSED RULES**
- Air carriers:
- 25321 Consumer Credit Protection Act; implementation
- NOTICES**
- Hearings, etc.:
- 25331 Chaparral Airlines, Inc.; fitness determination
- 25332 Williams Air, Inc.; fitness determination
- Commerce Department**
See National Oceanic and Atmospheric Administration; National Technical Information Service.
- Commodity Futures Trading Commission NOTICES**
- 25389 Meetings; Sunshine Act
- Defense Department**
See Army Department; Engineers Corps; Navy Department.
- Drug Enforcement Administration NOTICES**
- Registration applications, etc.; controlled substances:
- 25377 Abbott Laboratories
- 25377 Hoffman La Roche Inc.
- 25376 Stepan Chemical Co.
- 25377 Thorpe, Robert T., D.V.M.
- Economic Regulatory Administration PROPOSED RULES**
- Petroleum allocation and price regulations:
- 25315 Tertiary incentive program; rescission
- NOTICES**
- Consent orders:
- 25338 Kimbark Operating Co.
- Energy Department**
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
- RULES**
- 25302 Procurement; corrections
- NOTICES**
- International atomic energy agreements; civil uses; subsequent arrangements:
- 25337 International Atomic Energy Agency
- 25338 Sweden
- 25338 Uranium hexafluoride; separative work and base charges
- Engineers Corps NOTICES**
- Environmental statements; availability, etc.:
- 25336 Millican Lake, Tex.; flood control, water supply, recreation facilities, etc.
- Environmental Protection Agency**
- RULES**
- Air quality implementation plans; approval and promulgation; various States, etc.:
- 25294 North Carolina; correction
- Air quality implementation plans; approval and promulgation and planning purposes:
- 25294 Wisconsin
- Air quality planning purposes; designation of areas:
- 25301 Alabama; correction

- PROPOSED RULES**
Air quality implementation plans; approval and promulgation; various States, etc.:
- 25322 Georgia
25323 Wisconsin
- Air quality planning purposes; designation of areas:
25324 California and Nevada
25325 Utah
- Toxic substances:
25411 Polychlorinated biphenyls (PCB's); capacitors, transformers, etc.; restricting use at agricultural pesticide and fertilizer facilities; abeyance of proposed rule amendment
- NOTICES**
Motor vehicle fuel economy, retrofit device evaluation:
25347 Gastell
- Pesticides; tolerances in animal feeds and human food:
25347 Cibra-Geigy Corp.; correction
- Toxic and hazardous substances control:
25347 Premanufacture exemption applications; Disazo Dye, correction
- Federal Deposit Insurance Corporation**
NOTICES
25389 Meetings; Sunshine Act (2 documents)
- Federal Energy Regulatory Commission**
NOTICES
Hearings, etc.:
- 25339 Capital Development Co.
25341 Consolidated Hydroelectric, Inc.
25341 Damnation Peak Power Co.
25342 Intrastate Gathering Corp.
25343 Iron Mountain Mines, Inc.
25340 Kalispell, Mont.
25343 Metropolitan District of Hartford County, Conn.
25344 Texas Oil & Gas Corp.
25345 Transcontinental Gas Pipe Line Corp. (2 documents)
25346 Tuscarora Yarns, Inc.
25346 * United Gas Pipe Line Co.
- Federal Grain Inspection Service**
NOTICES
Grain standards; inspection points:
25329 Illinois
25330 New York
- Federal Home Loan Bank Board**
NOTICES
25390 Meetings; Sunshine Act
- Federal Maritime Commission**
PROPOSED RULES
25326 Regulatory flexibility agenda
NOTICES
Casualty and nonperformance, certificates:
25348 American Line, Inc., et al.
- Federal Mine Safety and Health Review Commission**
NOTICES
25390 Meetings; Sunshine Act
- Federal Reserve System**
NOTICES
Applications, etc.:
- 25349 First Florida Banks, Inc.
- 25348 Flora Financial Corp.
25349 Gravois Bankcorp., Inc.
25349 Memphis Bancshares, Inc.
25349 Multi-Line, Inc.
25349 Northeastern Bancorp, Inc.
25350 Ruston Bancshares, Inc.
- Bank holding companies; proposed de novo nonbank activities:
25350 First Macomb Corp. et al.
- Federal Trade Commission**
RULES
Appliances, consumer; energy cost and consumption information in labeling and advertising:
25290 Clothes washers; comparability ranges
Prohibited trade practices:
25289 Albertson's, Inc.
25289 Texora International Corp. et al.
- NOTICES**
Premerger notification waiting periods; early terminations:
25351 Argyros, George
25351 Buttes Gas & Oil Co.
25351 CBI Industries Inc.
25351 Lyon, William
25352 Thomson, Lord
- Forest Service**
NOTICES
Environmental statements; availability, etc.:
- 25331 Tongass National Forest, Ketchikan Area, Alaska; mineral exploration operation plan
- Meetings:
25331 Gospel-Hump Advisory Committee
- General Services Administration**
RULES
25305 Conduct standards; procedures clarification
- Geological Survey**
NOTICES
Environmental statements; availability, etc.:
- 25358 Outer Continental Shelf; Gulf of Mexico oil and gas operations
Outer Continental Shelf; oil, gas, and sulphur operations; development and production plans:
25357 Forest Oil Corp.
25357 Tenneco Oil Exploration & Production
25358 Texaco Inc.
- Health and Human Services Department**
See Centers for Disease Control; Health Services Administration; Human Development Services Office; National Institute for Occupational Safety and Health.
- Health Services Administration**
NOTICES
25352 Health education assistance loan (HEAL) program; interest rates
- Human Development Services Office**
NOTICES
Meetings:
25353 White House Conference on Aging National Advisory Committee

- Indian Affairs Bureau**
NOTICES
Irrigation projects; operation and maintenance charges:
25353 Wind River Irrigation Project, Wyo.; correction
25353 San Juan Basin Uranium Study; report availability
- Interior Department**
See also Geological Survey; Indian Affairs Bureau; Land Management Bureau.
NOTICES
25358 Outer Continental Shelf oil and gas leasing program; proposed changes; inquiry; extension of time
- Internal Revenue Service**
RULES
Income taxes:
25291 Bankruptcy Tax Act; elections relating to discharge of indebtedness, etc.; temporary
NOTICES
25381 Authority delegations:
Investigators (Internal Security) et al.; authorization to issue summonses, administer oath, and certify and perform other functions
- International Development Cooperation Agency**
See Agency for International Development.
- International Trade Commission**
NOTICES
Import investigations:
25374 Apparatus for continuous production of copper rod
25375 Food slicers and components
25376 Multicellular plastic film
25376 Unrefined montan wax from East Germany
- Interstate Commerce Commission**
RULES
Motor carriers:
25314 Commercial zones; Seattle, Wash.
Railroad car service orders; various companies:
25310 Burlington Northern Inc.
25312 Chicago, Rock Island & Pacific Railroad Co.; track use by various railroads
25311 Escanaba & Lake Superior Railroad Co.
PROPOSED RULES
25326 Fee schedule; changes
NOTICES
Motor carriers:
25366 Permanent authority applications (3 documents)
25367
25372
25368 Permanent authority applications; operating rights applications (3 documents)
25370 Permanent authority applications; restriction removals
25358 Temporary authority applications
- Justice Department**
See also Drug Enforcement Administration; National Institute of Justice.
NOTICES
Meetings:
25376 Attorney General's Task Force on Violent Crime
- Land Management Bureau**
NOTICES
Applications, etc.:
25357 Wyoming
Coal leases, exploration licenses, etc.:
25354 Colorado
Environmental statements; availability, etc.:
25353 Lower Gila North Grazing Management, Ariz.
Meetings:
25354 Baker District Advisory Council; postponement
25356 Phoenix/Lower Gila Resource Areas Grazing Advisory Board
25356 Prineville District Grazing Advisory Board
Opening of public lands:
25356 Colorado; correction
Opening of public lands and survey plat filings:
25355 Montana
Sale of public lands:
25356 California
Withdrawal and reservation of lands, proposed, etc.:
25355 Oregon (2 documents)
- Minority Business Development Agency**
NOTICES
25332 Financial assistance application announcements (3 documents)
25333
- National Aeronautics and Space Administration**
NOTICES
Meetings:
25377, Aeronautics Advisory Committee (2 documents)
25378
25378 Space and Terrestrial Applications Steering Committee
- National Institute for Occupational Safety and Health**
NOTICES
25352 Spirometers, testing and approval; meeting
- National Institute of Justice**
NOTICES
Grants solicitation, competitive research:
25377 Private counsel, role in indigent defense
- National Oceanic and Atmospheric Administration**
PROPOSED RULES
Fishery conservation and management:
25327 Atlantic herring, Northwest Atlantic; hearing; correction
NOTICES
Marine mammal permit applications, etc.:
25334 Auckland Zoological Park
25334 Carnegie Museum of Natural History
Meetings:
25334 North Pacific Fishery Management Council
Outer Continental Shelf:
25335 Fishermen's contingency fund; claims notification
- National Technical Information Service**
NOTICES
Patent licenses, exclusive:
25336 Bristol Laboratories

- Navy Department**
NOTICES
25337 Privacy Act; systems of records
- Postal Rate Commission**
NOTICES
25390 Meetings; Sunshine Act
- Railroad Retirement Board**
NOTICES
Meetings:
25379 Actuarial Advisory Committee
- Securities and Exchange Commission**
NOTICES
Hearings, etc.:
25379 Active Assets Money Trust et al.
- Small Business Administration**
NOTICES
Applications, etc.:
25380 Control Data Capital Corp.
- Treasury Department**
See also Internal Revenue Service.
NOTICES
Bonds, Treasury:
25382 2006-2011 series
Notes, Treasury:
25384 A-1991 series
25386 K-1984 series
- Veterans Administration**
NOTICES
Meetings:
25387 Educational Allowances Station Committee
- National Institute for Occupational Safety and Health—
25352 Testing and approval of spirometers, Rockville, Md. (open), 6-15 and possibly 6-16-81
- INTERIOR DEPARTMENT**
Land Management Bureau—
25356 Arizona: Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board, Phoenix, Ariz. (open), 6-10-81
25356 Prineville District Grazing Advisory Board, Prineville, Oreg. (open), 5-20-81
- JUSTICE DEPARTMENT**
25376 Attorney General's Task Force on Violent Crime, Atlanta, Ga. (open), 5-20 and 5-21-81
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
25377 NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on High Performance Aircraft Systems, Washington, D.C. (open), 5-26 through 5-28-81
25378 NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Materials and Structures, Washington, D.C. (open), 6-2 and 6-3-81
25378 Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee, Greenbelt, Md. (closed), 6-1 through 6-5-81
- RAILROAD RETIREMENT BOARD**
25379 Actuarial Advisory Committee, Chicago, Ill. (open), 6-3-81

MEETINGS ANNOUNCED IN THIS ISSUE

- AGRICULTURE DEPARTMENT**
Forest Service—
25331 Gospel-Hump Advisory Committee, Moscow, Idaho (open), 5-30-81
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
25379 Music Panel (Composers Section), Washington, D.C. (open), 5-19 through 5-22-81
25379 Music Panel (Solo Recitalists Section), Washington, D.C. (closed), 5-27-81
- DEFENSE DEPARTMENT**
Army Department—
25336 Army Science Board (ASB), Washington, D.C. (closed), 6-2 and 6-3-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Centers for Disease Control—
25352 National Immunization Conference, Atlanta, Ga. (open), 5-18 through 5-21-81
Human Development Services Office—
25353 White House Conference on Aging National Advisory Committee, Washington, D.C. (open), 5-20 through 5-22-81

POSTPONED MEETING

- INTERIOR DEPARTMENT**
Land Management Bureau—
25354 Baker District Advisory Council, Baker, Oreg. (open), postponed from 4-29 to 5-20-81

HEARINGS

- ENERGY DEPARTMENT**
Economic Regulatory Administration—
25315 Tertiary Incentive Program, Washington, D.C., 5-19-81
- VETERANS ADMINISTRATION**
25387 Station Committee on Educational Allowances, St. Petersburg, Fla., 5-27-81

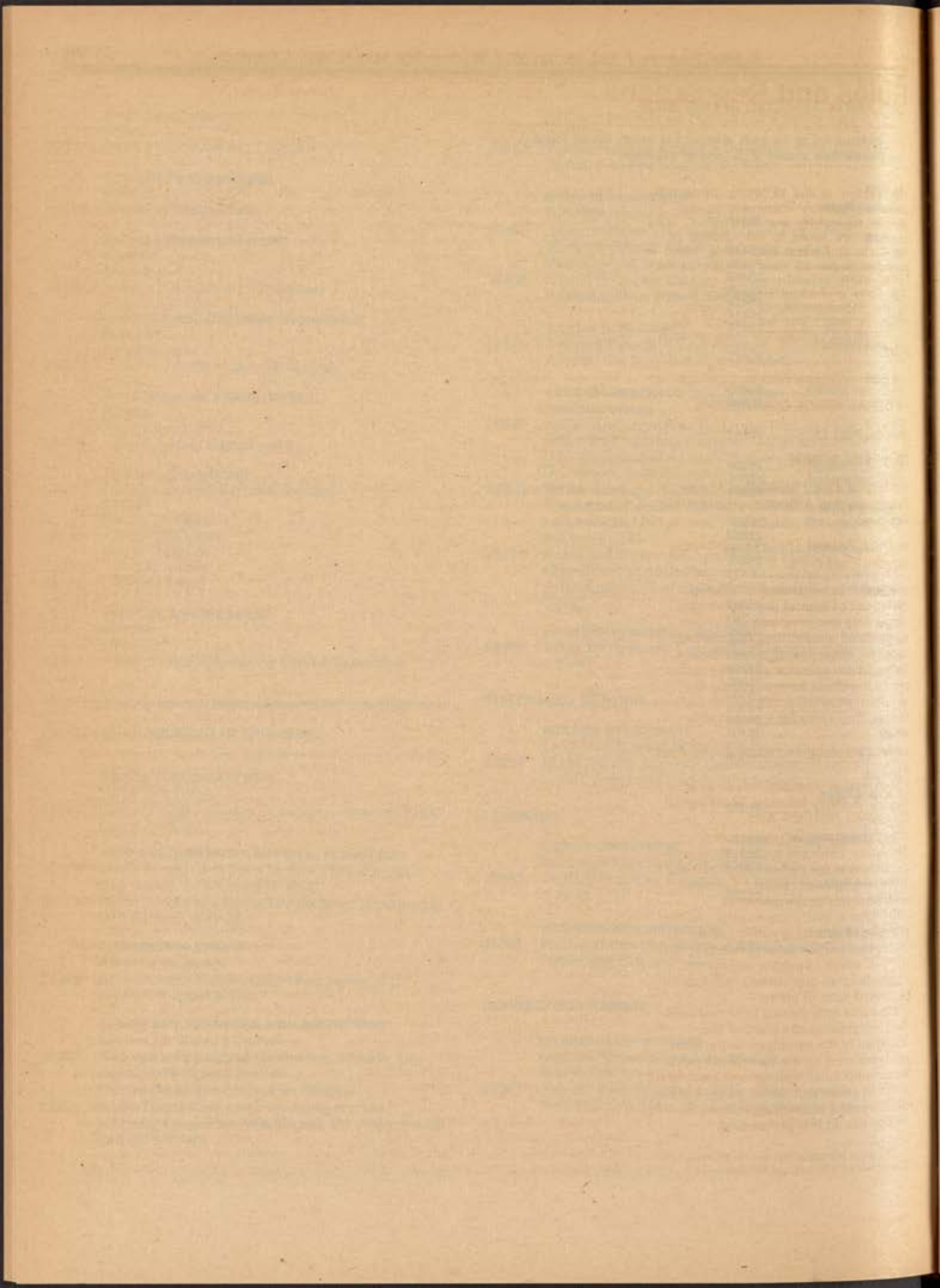
CORRECTED HEARING

- COMMERCE DEPARTMENT**
National Oceanic and Atmospheric Administration—
25327 Atlantic Herring Fishery; Fishery Management Plan, Danvers, Mass., 5-20-81 corrected to 5-22-81

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR	
Proposed Rules:	
212.....	25315
14 CFR	
207.....	25417
208.....	25418
212.....	25418
221.....	25418
223.....	25418
249.....	25414
375.....	25419
Proposed Rules:	
374.....	25321
16 CFR	
13 (2 documents).....	25289
305.....	25290
26 CFR	
7a.....	25291
40 CFR	
52 (2 documents).....	25294
81 (2 documents).....	25294,
	25301
Proposed Rules:	
52 (2 documents).....	25322,
	25323
81 (2 documents).....	25324,
	25325
761.....	25411
41 CFR	
9-1.....	25302
9-2.....	25303
9-3.....	25303
9-4.....	25303
9-5.....	25303
9-7.....	25303
9-9.....	25303
9-10.....	25304
9-15.....	25304
9-18.....	25304
9-23.....	25304
9-50.....	25304
105-735.....	25305
46 CFR	
Proposed Rules:	
Ch. IV.....	25326
49 CFR	
1033 (3 documents).....	25310-
	25312
1048.....	25314
Proposed Rules:	
1002.....	25326
50 CFR	
Proposed Rules:	
653.....	25327



Rules and Regulations

Federal Register

Vol. 46, No. 87

Wednesday, May 6, 1981

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 TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3064]

Albertson's Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Boise, Idaho operator of retail grocery stores to refrain from acquiring any unapproved retail grocery store business in specified areas for a period of ten years.

DATE: Complaint and order issued April 21, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Thursday, February 5, 1981, there was published in the *Federal Register*, 46 FR 10921, a proposed consent agreement with analysis in the matter of Albertson's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

¹ Copies of the Complaint and the Decision and Order filed with the original document.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5-20 F.T.C. Act.

(Sec. 6, 38 Stat. 721 [15 U.S.C. 46]. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended [15 U.S.C. 45, 18])

Carol M. Thomas,
Secretary.

[FR Doc. 81-13668 Filed 5-5-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-2794]

Texora International Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on February 23, 1976 (41 FR 11817, 87 F.T.C. 273), by deleting the first "IT IS FURTHER ORDERED" paragraph which required respondents to file a special performance bond with the Secretary of the Treasury and replacing it with one requiring respondents to provide for fiber content testing and relabeling of misbranded wool products.

DATES: Order issued February 23, 1976. Modifying order issued April 22, 1981.

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007 (212) 264-1207.

SUPPLEMENTARY INFORMATION: In the Matter of Texora International Corp., a corporation, and Max Kovner, individually and as an officer of said corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 41 FR 11817, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; [15 U.S.C. 45, 68])

The Order Modifying Cease and Desist Order is as follows:

In their request filed on January 23, 1981, and their amended request filed on

February 12, 1981, the respondents petitioned the Commission, pursuant to § 2.51 of its Rules of Practice, to reopen the proceedings and modify the order of February 23, 1976, entered in Docket No. C-2794. Respondents ask that the first "IT IS FURTHER ORDERED" paragraph be deleted from the order and that a new paragraph be inserted in the order in lieu of that paragraph. The paragraph requested to be deleted from the order reads as follows:

It is further ordered that respondents Texora International Corp., a corporation, its successors and assigns, and its officers, and Max Kovner, individually and as an officer of Texora International Corp., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

The paragraph which respondents requested be inserted in the order to replace the paragraph deleted, as amended by their amended petition and further revised by agreement with staff reflected in their letters dated March 17, 1981, and March 24, 1981, is as follows:

It is further ordered that respondents Texora International Corp., a corporation, its successors and assigns, and its officers, and Max Kovner, individually and as an officer of Texora International Corp., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, shall cause such fiber content tests to be performed on each style or quality of their imported wool products as may be necessary to determine the minimum percentage by weight of the total fiber weight of each fiber present in such style or quality. If said fiber content tests reveal that the percentage of any fiber in any style or quality is misstated by more than three percent (3%) on the labels attached or affixed to such style or quality, such style or quality shall be relabeled to set forth on said labels the lowest percentage revealed by such tests of (1) wool, (2) recycled wool, (3)

each fiber other than wool if the percentage of such fiber is five percent (5%) or more of the total fiber weight and (4) the aggregate of all other fibers. If said fiber content tests reveal that the percentages of fibers in such style or quality are, for practical purposes, undeterminable, then such style or quality shall be relabeled in accordance with rules 28 or 29 of the rules and regulations promulgated under the Wool Products Labeling Act of 1939, as for example:

(i) Made of miscellaneous fibers including acrylic, cotton and polyester, and with a minimum of 20% recycled wool, or

(ii) 20% recycled wool, 20% acrylic, 20% cotton, 40% unknown reclaimed fibers

(1) The requirement that fiber content tests be performed on each style or quality of respondents' imported wool products shall not be applicable to any style or quality of wool products imported during any calendar year, the amount of which does not exceed one thousand (1,000) yards, and which is used solely for samples or swatches to promote the sale of such style or quality and is not sold or offered for sale.

(2) The fiber content tests required by this paragraph shall be performed by an independent fiber content testing laboratory approved for testing wool products by the Department of Defense, United States Government.

(3) As used herein, the terms "style" or "quality" shall mean wool products which are represented to have the same unit weight, fiber content and weave and are manufactured by the same foreign supplier.

(4) As used herein, the terms "imported" and "importation" shall mean entered for consumption when wool products enter the United States on a consumption entry and withdrawn for consumption when wool products enter the United States on a warehouse entry.

In support of their request, the respondents have advanced a number of considerations intended to show changed conditions of fact since the order was issued and to show that the public interest will best be served by granting their request. They stated that, soon after the order became final, they instituted a program of testing the fiber content of imported fabrics and relabeling those found by these tests to be misbranded. They have agreed to continue their program of fiber content testing and relabeling of misbranded wool products under the terms of a paragraph of the order that they requested the Commission to place in the order in lieu of the paragraph

requiring the filing with the Secretary of the Treasury of a special performance bond. They stated further that the high costs of premiums charged by sureties on the bond have exceeded their profits. They cited as a competitive disadvantage the fact that many of their competitors are not subject to the bonding requirement and that bonds have not appeared in recent Commission orders and court judgments under the Wool Products Labeling Act of 1939.

Having considered the request, the Commission has concluded that the order should be modified to delete the bond paragraph and to insert in the order, in lieu thereof, a paragraph providing for fiber content testing and relabeling of misbranded wool products and that the modification will safeguard the public interest. Therefore,

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the first "IT IS ORDERED" paragraph of the order to cease and desist of February 23, 1976, entered in Docket No. C-2794, be, and it hereby is, deleted and replaced by the paragraph requested by respondents as set forth above.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13657 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for clothes washers.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges, which show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule, are published in the *Federal Register* by the Commission no more often than annually, and are called "ranges of comparability." The figures to be used on the ranges are provided by the Commission after an analysis of

data submitted by appliance manufacturers, who derive the energy costs or efficiencies of their appliances by following test procedures prescribed by the Department of Energy (DOE). One element used in calculating the ranges is the representative average unit cost of the energy used by the appliances, which is calculated annually by DOE. Because this average cost usually changes annually, and because appliance models are constantly being added, changed, or dropped by manufacturers, the ranges of comparability are likely to change from year to year.

This has been the case with the ranges for clothes washers, and this notice publishes the new range figures, which, under §§ 305.10 and 305.11 of the rule, must be used in the labeling and advertising of clothes washers beginning July 1, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-724-1491, or Lucerne D. Winfrey, 202-724-1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)¹ required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule² covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

¹ Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871.

² 44 FR 60466, 16 CFR 305 (November 19, 1979).

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained information on the estimated annual cost or energy efficiency rating for the seven categories of appliances derived from tests performed pursuant to the DOE test procedures. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From that information, the Commission compiled and published³ ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report annually by specified dates for each product type.⁴ The data submitted by manufacturers is based, in part, on the representative average unit cost of the type of energy used to run the appliances tested. According to § 305.9 of the rule, these average energy costs, which are provided by DOE, will be periodically revised by the Commission, but not more often than annually. Because the costs for the various types of energy appear to be increasing steadily, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually).

The new figures for the estimated annual costs of operation for clothes washers, which were calculated using the 1981 representative average energy

costs published by the Commission on January 13, 1981,⁵ have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

In consideration of the foregoing, the Commission publishes the following ranges of comparability for use in the labeling and advertising of clothes washers beginning July 1, 1981.

Part 305, Appendix F [Revised]

Appendix F to Part 305 is revised to read as set forth below:

Appendix F.—Clothes washers

(Ranges of estimated yearly energy costs in dollars)

Ranges of comparability	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact	32.00	72.00	9.00	28.00
Standard	27.00	111.00	13.00	42.00

Issued: By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13642 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 7a

[T.D. 7775]

Temporary Income Tax Regulations Under the Bankruptcy Tax Act of 1980; Various Elections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for making various elections relating to discharge of indebtedness and to bankruptcy, insolvency, and similar proceedings. Changes to the applicable tax law were made by the Bankruptcy Tax Act of 1980. These regulations affect certain debtors whose indebtedness is discharged and certain debtors in bankruptcy cases or similar judicial proceedings and provide them with the guidance needed to comply with the law.

DATE: In general, the Bankruptcy Tax Act of 1980 and the elections covered by these regulations apply to discharges of indebtedness (and certain other transactions) occurring after December 31, 1980, unless they occur in certain cases or proceedings commenced before

⁵ 46 FR 2974, Jan. 13, 1981.

January 1, 1981. The taxpayer, however, may elect (with court approval) on or before November 2, 1981, to have the Act apply to discharges (and other transactions) occurring in bankruptcy cases or similar proceedings commencing after September 30, 1979. The Act also provides that certain individuals in bankruptcy cases commencing after March 24, 1981, may elect to terminate their taxable year as of the day before the commencement of the case.

FOR FURTHER INFORMATION CONTACT: Benedetta A. Kissel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224. Attention: CC:LR:T (202-566-3238, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under various sections of the Internal Revenue Code of 1954 and the Bankruptcy Tax Act of 1980 (Pub. L. 96-589). The Bankruptcy Tax Act of 1980 contains a number of provisions that allow taxpayers to make certain elections. In order to provide immediate guidance to taxpayers, this regulation provides the time and manner in which the elections contained in the Act are to be made. Further, a new part 7a, Temporary Income Tax Regulations under the Bankruptcy Tax Act of 1980, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations contained in this document will remain in effect until superseded by final regulations on this subject.

Provisions of the Regulations

These temporary regulations prescribe rules for making the elections under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E) of the Code, relating to reduction of basis in connection with discharge of indebtedness. In general, an election under those sections is made with the income tax return for the year of the discharge on Form 982, currently titled "Consent to Adjustment of Basis of Property Under Sections 1017 or 1082(a)(2) of the Internal Revenue Code."

The regulations also prescribe rules for individuals making the election under section 1398(d)(2) to terminate the taxable year on commencement of certain bankruptcy cases. In general, the regulations provide that the election is made by filing a return for the taxable year ended by means of the election on or before the 15th day of the fourth full

³ 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 25036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

⁴ Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerator-freezers and freezers are due by August 1.

month following the day before the commencement of the case. In most cases, if the debtor makes the election, the debtor's spouse may also elect by making a joint return with the debtor for the taxable year ended by means of the election.

In addition, the regulations prescribe rules for making the election to use a retroactive effective date under section 7(f) of the Bankruptcy Tax Act of 1980. In general, the election is made by filing with the Internal Revenue Service a statement and evidence of court approval on or before November 2, 1981.

Drafting Information

The principal author of these regulations is Benedetta A. Kissel of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by Roscoe L. Egger, Jr., Commissioner of Internal Revenue, that there is need for immediate guidance in order to enable taxpayers to make elections under the Bankruptcy Tax Act of 1980. Because of the immediate need for these regulations, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52120), relating to improving regulations, would be impractical and, therefore, these requirements have not been followed.

Adoption of Amendments to the Regulations

Accordingly, a new Part 7a, Temporary Income Tax Regulations under the Bankruptcy Tax Act of 1980, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted.

A new Part 7a is added to 26 CFR to read as follows:

PART 7a—TEMPORARY INCOME TAX REGULATIONS UNDER THE BANKRUPTCY TAX ACT OF 1980

Sec.

7a.1. Elections relating to reduction of basis.

7a.2. Individual's election to terminate taxable year when case commences.

7a.3. Election to use retroactive effective date.

Authority: Sections 108(d)(6), 1017(b)(3)(E), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 3392 and 3395, and 68A Stat.

917; 26 U.S.C. 108(d)(6), 1017(b)(3)(E), and 7805); Sec. 7(f), Pub. L. 96-589, 94 Stat. 3413.

§ 7a.1 Elections relating to reduction of basis.

(a) *Scope.* The regulations prescribed in this section provide rules for making elections under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E), relating to reduction of basis in connection with discharge of indebtedness.

(b) *Availability of elections—(1) Dates relating to discharge of indebtedness.* The elections are available to certain taxpayers for the amount of a discharge of indebtedness that may be excluded from gross income under section 108(a), if the discharge occurs after December 31, 1980, unless the discharge occurs in the following cases or proceedings commencing on or before December 31, 1980:

(i) Any case under title 11 of the United States Code or under the Bankruptcy Act and

(ii) A receivership, foreclosure, or similar proceeding in a Federal or State court, or, if the taxpayer is a financial institution to which section 585 or 593 applies, in a Federal or State agency.

For the election to use an earlier effective date in certain circumstances see § 7a.3.

(2) *Taxpayers to whom an election is available.* The election under section 108(b)(5) is available to taxpayers in a title 11 case or insolvent taxpayers. See section 108(d)(2) and (3) for the definition of the terms "title 11 case" and "insolvent." The election under section 108(d)(4) is available to taxpayers not in a title 11 case to the extent they are not insolvent after the debt is forgiven. The election under section 1017(b)(3)(E) is available to taxpayers to whom section 1017 applies.

(c) *Effect of elections—(1) Election to apply reduction first against depreciable property under section 108(b)(5)—(i) In general.* Subject to paragraph (c)(1)(ii) of this section, a taxpayer may elect under section 108(b)(5) to apply any portion of the amount excluded from gross income under section 108(a)(1)(A) or (B) (relating to title 11 cases and insolvency) first to reduce (under the rules of section 1017) the basis of depreciable property (as defined in section 1017(b)(3)). The remaining amount is applied to reduce the tax attributes listed in section 108(b)(2), in the order listed.

(ii) *Transitional rule.* If the discharge of indebtedness occurs before January 1, 1982, or occurs in a case or proceeding described in paragraph (b)(1)(i) or (ii) of this section commencing before January 1, 1982, and the taxpayer makes the

election under section 108(b)(5), the taxpayer may apply any portion of the amount excluded from gross income under section 108(a)(1)(A) or (B) first to reduce (under the rules of section 1017) the basis of depreciable property (as defined in section 1017(b)(3)). The remaining amount is applied to reduce basis under section 108(b)(2)(D). In the case of a discharge of indebtedness covered by this transitional rule, the basis of any property (depreciable or nondepreciable) cannot be reduced under section 1017 below the fair market value of the property on the day the debt is discharged. (See section 7(a)(2) of the Bankruptcy Tax Act of 1980.)

(2) *Election to treat certain indebtedness as qualified business indebtedness under section 108(d)(4).* Section 108(a)(1)(C) provides an exclusion from gross income of the amount of income attributable to the discharge (in whole or in part) of the taxpayer's qualified business indebtedness. Indebtedness is qualified business indebtedness of the taxpayer only if (i) the indebtedness was incurred or assumed by a corporation, or by an individual in connection with property used in the individual's trade or business, and (ii) such taxpayer makes the election under section 108(d)(4) and this section with respect to the indebtedness. Section 108(a)(1)(C) does not apply to a discharge in a title 11 case, or to a discharge to the extent that the taxpayer is insolvent. If the taxpayer makes the election under this section, the amount excluded from gross income is applied to reduce (under the rules of section 1017) the basis of the taxpayer's depreciable property (as defined in section 1017(b)(3)).

(3) *Election to treat certain inventory as depreciable property under section 1017(b)(3)(E).* If the amount excluded from gross income under section 108 (relating to discharge of indebtedness) is to be applied to reduce the basis of depreciable property, then the taxpayer may elect to treat all of the taxpayer's real property described in section 1221(1) as depreciable property.

(d) *Time and manner—(1) In general.* An election under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E) must be made with the taxpayer's income tax return for the taxable year in which the discharge occurs. However, if the taxpayer establishes to the satisfaction of the Commissioner reasonable cause for failure to file the election with the taxpayer's original return, the taxpayer may file the election with an amended return or claim for credit or refund. The election must be made on a statement attached to a completed Form 982, or on

that form itself if the form provides a space for the election. The statement must contain the following:

(i) The name, address, and taxpayer identification number of the taxpayer, and

(ii) A statement that the taxpayer is making the election under section 108(b)(5), 108(d)(4), or 1017(b)(3)(E), as the case may be.

Because the regulations under section 1017 have not been amended to reflect the provisions of the Bankruptcy Tax Act of 1980, a taxpayer making an election under this section does not consent, by completing Form 982, to application of the regulations contained in 26 CFR 1.1017-1 and 1.1017-2 (Rev. April 1, 1980).

(2) *Special rule.* If the taxpayer's income tax return for the year of the discharge has been filed (or is due) before July 6, 1981, the taxpayer can make the election with an amended return filed before September 3, 1981.

(e) *Revocability of election.* An election under section 108(b)(5), 108(d)(4), or 1017(b)(3)(E) may be revoked only with the consent of the Commissioner.

§ 7a.2 Individual's election to terminate taxable year when case commences.

(a) *Scope.* The regulations prescribed in this section provide rules for making the election under section 1398(d)(2) to terminate the taxable year of an individual taxpayer.

(b) *Availability of election.* This election is available to an individual taxpayer in a case commenced after March 24, 1981, under chapter 7 (relating to liquidations) or chapter 11 (relating to reorganizations) of title 11 of the United States Code. If the case is dismissed, the taxpayer cannot make the election, and an election previously made will be void. For purposes of this section, a partnership is not treated as an individual. If the taxpayer making the election is married (within the meaning of section 143), the election is available to the taxpayer's spouse, but only if the spouse is eligible to file, and does file, a joint return with the taxpayer for the taxable year ended as a result of the election.

(c) *Effect of election.* The election terminates the taxable year of the taxpayer (and of a spouse who joins in the election) on the day before the commencement date of the case. A new taxable year begins on the commencement date and (unless terminated earlier) ends on the date on which the taxpayer's taxable year in which the case commenced would have ended if the election had not been made.

(d) *Time and manner.* A taxpayer to whom the election is available makes the election by filing a return for the short taxable year ending the day before commencement of the case (the "first short taxable year") on or before the 15th day of the fourth full month following the end of that first short taxable year. The spouse of such a taxpayer makes the election by making a joint return with the taxpayer for that first short taxable year within the time prescribed in the preceding sentence. To facilitate processing, the taxpayer should write "Section 1398 Election" at the top of the return. A taxpayer may also make the election by attaching a statement of election to an application for extension of time for filing a return that satisfies the requirements under section 6081 for the first short taxable year. The application for extension must be submitted under section 6081 on or before the due date of the return for the first short taxable year. The statement must state that the taxpayer elects under section 1398(d)(2) to close his or her taxable year as of the day before commencement of the case. If the taxpayer's spouse elects to close his or her taxable year, the spouse must join in the application for extension and in the statement of election. If a joint return is not filed for the first short taxable year, the election of the spouse made with the application is void.

(e) *Irrevocability of election.* The election is irrevocable.

(f) *Subsequent bankruptcy case of debtor's spouse.* If a case under chapter 7 or chapter 11 of title 11 of the United States Code commences with respect to the spouse of a debtor to whom an election under this section was available, the spouse can make an election under this section even if the spouse's case commences in the same taxable year in which the debtor's case commences. The spouse can make the election whether or not the spouse previously joined in the debtor's election. If the spouse joined in the debtor's election, or if the debtor did not make the election, the debtor may join in the spouse's election, assuming the debtor is otherwise eligible to file a joint return with the spouse.

(g) *Examples.*

Example

(1) Assume that husband and wife are calendar-year taxpayers, that a bankruptcy case involving only the wife commences on March 1, 1982, and that a bankruptcy case involving only the wife commences on October 10, 1982.

(2) If the husband does not make an election, his taxable year would not be affected; i.e., it does not terminate on February 28. If the husband does make an

election, his first short taxable year would be January 1 through February 28; his second short taxable year would begin March 1. The tax return for his first short taxable year would be due on June 15. The wife could join in the husband's election, but only if they file a joint return for the taxable year January 1 through February 28.

(3) The wife could elect to terminate her taxable year on October 9. If she did, and if the husband had not made an election or if the wife had not joined in the husband's election, she would have two taxable years in 1982—the first from January 1 through October 9, and the second from October 10 through December 31. The tax return for her first short taxable year would be due on February 15, 1983. If the husband had not made an election to terminate his taxable year on February 28, the husband could join in an election by his wife, but only if they file a joint return for the taxable year January 1 through October 9. If the husband had made an election but the wife had not joined in the husband's election, the husband could not join in an election by the wife to terminate her taxable year on October 9, since they could not file a joint return for such year.

(4) If the wife makes the election relating to her own bankruptcy case, and had joined the husband in making an election relating to his case, she would have two additional taxable years with respect to her 1982 income and deductions—the second short taxable year would be March 1 through October 9, and the third short taxable year would be October 10 through December 31. The husband could join in the wife's election if they file a joint return for the second short taxable year. If the husband joins in the wife's election, they could file joint returns for the short taxable year ending December 31, but would not be required to do so.

§ 7a.3 Election to use retroactive effective date.

(a) *Scope.* The regulations prescribed in this section provide rules for making the election to use a retroactive effective date under section 7(f) of the Bankruptcy Tax Act of 1980.

(b) *Availability of election.* The election is available to the debtor (or debtors) in a case under title 11 of the United States Code (or a receivership, foreclosure, or similar proceeding in a Federal or State court) that commences after September 30, 1979, and before January 1, 1981. The court must approve the election. For purposes of this paragraph (b), a receivership, foreclosure, or similar proceeding before a Federal or State agency involving a financial institution to which section 585 or 593 applies shall be treated as a proceeding before a court.

(c) *Effect of election—(1) In general.* An election under this section changes the effective date of certain amendments to the Code made by the Bankruptcy Tax Act of 1980. The amendments affected by an election

under this section are listed in paragraph (c) (2) and (3) of this section. If the election is made, all of the amendments listed in paragraph (c) (2) and (3) of this section apply to all transactions in the case (or similar proceeding) and to all parties in respect of all transactions in the case (or similar proceeding). Thus, the debtor may not elect to have only certain of the amendments apply to transactions in the case (or similar proceeding) and may not elect to have the amendments apply only to certain transactions in the case (or similar proceeding). An election under this section will not make the amendments listed in paragraph (c) (2) and (3) applicable to transactions occurring prior to commencement of the case (or similar proceeding) or transactions not in the case (or similar proceeding).

(2) *Amendments affected.* An election under this section changes the effective date of the amendments to the following sections:

- (i) 111, relating to recovery of bad debts, prior taxes, and delinquency amounts,
- (ii) 302, relating to the repeal of special treatment for certain railroad redemptions,
- (iii) 312, relating to the effect of debt discharge on earnings and profits,
- (iv) 337, relating to the application of the 12-month liquidation rule,
- (v) 351, relating to certain transfers to controlled corporations,
- (vi) 354 (other than the amendment made by section 6(i)(2) of the Bankruptcy Tax Act of 1980), 355, 357, 368, and 381, relating to corporate reorganizations,
- (vii) 382, relating to special limitations on net operating loss carryover,
- (viii) 542, relating to the personal holding company tax, and
- (ix) 703, relating to elections of partnerships.

(3) *Other amendments affected in part.* Subject to the transitional rule of section 7(a)(2) of the Bankruptcy Tax Act of 1980, an election under this section changes the effective date of the amendments to sections 108 and 1017, relating to the tax treatment of discharge of indebtedness.

(4) *Substitution of effective dates.* The election under this section changes the effective date of the amendments listed in paragraph (c) (2) and (3) of this section by substituting "September 30, 1979" for "December 31 1980" wherever it appears in section 7(a), (c), and (d) of the Bankruptcy Tax Act of 1980.

(d) *Time and manner.* (1) *Time and place.* A debtor makes the election under this section by filing the written statement and evidence of court

approval required under paragraph (d) (2) and (3) of this section on or before November 2, 1981, with the District Director or the Director of the Internal Revenue Service Center with whom an income tax return for the debtor would be filed if it were due on the date the election is filed. The election shall be considered to be made on the date on which the written statement and evidence of court approval is filed. The debtor should attach a copy of the statement and evidence of court approval to the next income tax return filed on or after the date the election is made.

(2) *Statement.* The written statement must be signed by the debtor (or a person duly authorized to sign the income tax return of the debtor) and must contain the following:

- (i) The name, address, and taxpayer identification number of the debtor,
- (ii) A statement that the debtor is making the election under section 7(f) of the Bankruptcy Tax Act of 1980, and
- (iii) Information (including the date of commencement) sufficient to identify the bankruptcy case or similar proceeding.

(3) *Evidence of court approval.* The evidence of court approval (or of approval of an agency in certain proceedings described in paragraph (b) of this section) must be a copy of an order or other document properly signed by the judge or other presiding officer. In addition to information identifying the debtor and the case or proceeding over which the officer presides, the order or other document must state that the court (or agency, as the case may be) approves the election of the debtor under section 7(f) of the Bankruptcy Tax Act of 1980.

(e) *Revocability.* An election under this section may be revoked only with the consent of the Commissioner. A request for revocation can be made only with approval of the court (or agency).

There is a need for immediate guidance with respect to the provisions in this Treasury decision. For this reason it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 108(d)(8), 1017(b)(3)(E), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 3392 and 3395, and 68A Stat. 917; 26 U.S.C. 108(d)(8), 1017(b)(3)(E), and 7805) and in section 7(f) of the Bankruptcy

Tax Act of 1980, Pub. L. 96-589, 94 Stat. 3413.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 27, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81-13621 Filed 5-1-81; 2:53 pm]
BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1819-8]

Approval and Promulgation of Implementation Plans, North Carolina; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: This notice supplies an item which was omitted from the regulatory text of FR Document 81-8402, a final rule removing conditions on the approval of North Carolina's 1979 revisions for the Mecklenburg County carbon monoxide nonattainment area.

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV Air Programs Branch at (404) 881-3043 or FTS 257-3043.

SUPPLEMENTARY INFORMATION: In FR Document 81-8402, appearing at page 17558 of the issue of March 19, 1981, make the following correction in the regulatory text. Renumber as "1" the item amending 40 CFR 52.1770 and add a second item as follows:

§ 52.1780 [Removed]

2. Section 52.1780, Control strategy: Carbon monoxide and ozone, is removed.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 24, 1981.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 81-13644 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 52 and 81

[A5 FRL 1809-3]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: USEPA today is approving as revisions to the Wisconsin State Implementation Plan (SIP) the overall control strategies for ozone and carbon monoxide; except that it is conditionally approving the transportation portion of the carbon monoxide; SIP and the vehicle emission inspection and maintenance (I/M) program. Elsewhere in today's Federal Register, USEPA is proposing the schedule for Wisconsin to meet the conditions of USEPA's conditional approval of the transportation portion of the carbon monoxide SIP and the I/M program. The control strategies USEPA is acting on today include an I/M program, transportation control measures (TCM), and attainment demonstrations for carbon monoxide (CO) and ozone. Additionally, USEPA is changing the ozone designation for four counties. Grant and LaCrosse Counties are being changed from not attaining to attaining the National Ambient Air Quality Standards (NAAQS) for ozone. Douglas County is being changed from attainment to cannot be classified, because there are insufficient quality assured data to demonstrate attainment. Sheboygan County is being redesignated from cannot be classified to nonattainment for ozone.

The USEPA published a notice of proposed rulemaking on these revisions on June 17, 1980 (45 FR 41018) and a correction was published on August 19, 1980 (45 FR 55230). USEPA received additional information in response to the notice of proposed rulemaking from the State August 12, 1980, September 25, 1980, and November 4, 1980.

EFFECTIVE DATE: May 6, 1981.

ADDRESSES: Copies of these revisions to the SIP are available for inspection at the following addresses:

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

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

Wisconsin Department of Natural
Resources, Bureau of Air
Management, 101 South Webster,
Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT:
Anne Ernstein, Regulatory Analysis
Section, Air Programs Branch, Region V,
U.S. Environmental Protection Agency,
230 South Dearborn Street, Chicago,
Illinois 60604 (312) 886-6039.

SUPPLEMENTARY INFORMATION: On
March 3, 1978 (43 FR 8962; 40 FR 81350)
pursuant to the requirements of section
107 of the Clean Air Act (Act) as

amended, USEPA designated certain areas in Wisconsin as not meeting the NAAQS for ozone and CO. USEPA designated Brown, Columbia, Dane, Douglas, Grant, LaCrosse, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Waukesha, and Vilas Counties nonattainment for ozone, and a portion of Milwaukee County nonattainment for carbon monoxide.

Part D of the Act, as added by the 1977 amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain circumstances this date can be extended until not later than December 31, 1987, for ozone and CO. The requirements for an approvable SIP are described in the April 4, 1979 Federal Register (44 FR 20372) and supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182.)

USEPA's final determination takes one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effect appears in the July 2, 1979 Federal Register (44 FR 38583) and in the November 23, 1979 Federal Register (44 FR 67182).

Conditional approval requires the State to submit additional materials by specified deadlines negotiated between the state and the USEPA. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of the comments, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed. USEPA will follow the procedures described below when determining if requirements of conditional approval have been met:

1. When the state submits the required additional documentation, USEPA will publish a notice in the Federal Register announcing receipt and availability of the material for public comment. The notice will also announce that the conditional approval is continuing pending USEPA's final action on the submission.

2. USEPA will evaluate the state's submission and public comment on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a Federal Register notice will either fully approve the plan if all conditions have been met, or withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I)

restrictions on construction will be in effect.

3. If the State fails to submit the required materials according to the negotiated schedule, USEPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Pursuant to Part D of the Act, the State of Wisconsin submitted plans for three urbanized areas (Green Bay, Madison and Milwaukee) on July 12, 1979, September 4, 1979, and February 28, 1980. It also submitted a carbon monoxide plan and schedule for portions of the Milwaukee urbanized area. Revisions relating to the State's vehicle emission control inspection and maintenance (I/M) program were submitted to USEPA on August 1, 1979, October 16, 1979, May 7, 1980, and May 8, 1980. Pursuant to section 107 of the Act, the State requested redesignation of the ozone designations for Sheboygan County from unclassifiable to nonattainment and Grant, LaCrosse, and Douglas Counties from nonattainment to attainment. The State also submitted stationary source volatile organic compound (VOC) Reasonably Available Control Technology (RACT) rules for certain source categories which are applicable statewide. These categories were those covered in control technique guidelines (CTG) published before January 1, 1978. The VOC RACT regulations and the State's commitment to adopt additional RACT categories as necessary were approved by USEPA on January 11, 1980 (45 FR 2319). On February 28, 1980, the State submitted a schedule for completing analysis of the CO nonattainment problem in Milwaukee County. On May 7, 1980, it submitted Assembly Bill 500 which provided legal authority for a vehicle I/M program. On May 8, 1980 it submitted a revised schedule for the I/M program implementation.

A notice of proposed rulemaking was published on June 17, 1980 (45 FR 41018) in which USEPA proposed to approve parts and conditionally approve other parts as revisions to the Wisconsin SIP the revised control strategies for ozone and CO which had been submitted by the State. This notice also proposed the redesignation of four counties which Wisconsin had requested. A correction notice on the redesignations was published on August 19, 1980 (45 FR 55230).

This notice takes final action on the revisions of the vehicle emission control

I/M program, transportation control measures (TCM), the CO and ozone attainment demonstrations, and the ozone redesignations of 4 counties and public comments submitted in response to the June 17, 1980 notice of proposed rulemaking.

USEPA has completed its review of the Wisconsin submittals. Those approved or conditionally approved today will be in addition to and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemptions granted will be reviewed and acted on by USEPA as a future SIP revision.

Transportation Control Plans

In each urban nonattainment area, the designated lead local agency, in conjunction with the Wisconsin Department of Natural Resources (WDNR) and the Wisconsin Department of Transportation (WDOT), developed a control strategy designed to ensure attainment of the CO and/or ozone NAAQS in the area.

USEPA evaluated Wisconsin's transportation control plans using the requirements for an approvable nonattainment area SIP which appeared

in the April 4, 1979, July 2, 1979, August 28, 1979, September 17, 1979, November 23, 1979, May 13, 1980 (2) Federal Registers (44 FR 20372, 38583, 50371, 53761, and 67182; 45 FR 31303 and 31307); the "USEPA-USDOT Guideline for Air Quality-Transportation Plans, and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs."

A summary of the principal requirements was included in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here.

As a result of its evaluation, USEPA is taking the following final actions:

Milwaukee Area: Carbon Monoxide and Ozone

A portion of the City of Milwaukee has been designated as nonattainment for the CO NAAQS. The Counties of Kenosha, Milwaukee, Ozaukee, Racine, and Waukesha have been designated as nonattainment for ozone.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), designated as the lead local agency under section 174 of the Act, in conjunction with WDNR and WDOT developed the transportation control plans for CO and ozone.

The Wisconsin SIP submittal contains a demonstration that the CO and ozone NAAQS cannot be attained in this area by 1982, despite the implementation of all reasonably available control measures. Pursuant to section 172 of the Act, the State on January 10, 1980 requested an extension to no later than December 31, 1987 for attaining the standards. As discussed in a later section of the notice, USEPA grants this request.

The transportation control plans contain the following strategies:

Strategy	Number of project	Implementor
I. Traffic flow improvement:		
Stub-end freeway treatment.	4 projects	WDOT, Milwaukee County, Milwaukee.
Work time rescheduling.	1 study	SEWRPC.
Traffic signing, pavement marking and signalization.	125 projects	Various counties and municipalities.
II. Transit improvement:		
Transit route evaluation.	6 studies	Milwaukee County, SEWRPC.
UBUS/UPARK	1 project	Milwaukee County, University of Wisconsin, Milwaukee Campus.
III. Transit shelters		
	3 projects	Kenosha, Shoreward, and Milwaukee County.

Strategy	Number of project	Implementor
Vehicle occupancy increases:		
Park, ride, pool and express bus service.	19 projects	WDOT, Milwaukee County, Ozaukee County.
Carpool, vanpool promotion.	2 projects	WDOT, Milwaukee County.

On February 13, 1980, WDNR submitted a CO hotspot analysis plan as a SIP revision. This submittal contained an inadequate schedule for identification and elimination of hotspots. In the June 17, 1980 Federal Register (45 FR 41918) the USEPA stated that the CO hotspot analysis as submitted on February 13, 1980 was deficient and the USEPA proposed conditional approval of the Transportation Control Plan for the Milwaukee area.

In the June 17, 1980 Federal Register, the USEPA stated that for the CO hotspot analysis to be approved the State must commit to identify the strategies for each CO hotspot, to identify the funding sources and implementors for each hotspot strategy, and to submit a schedule containing dates for awarding the construction contracts, initiating on-site construction, starting operations, and eliminating hotspots.

On September 25, 1980, in response to the June 17, 1980 notice of proposed rulemaking, the WDNR submitted a revised schedule for addressing CO hotspots. This revised schedule adequately addresses the USEPA's concerns for analysis of hotspots.

The schedule provides for the following:

- (1) Hotspot Identification—November 1, 1980.
- (2) Hotspot Strategy Alternative Analysis—May 15, 1980.
- (3) Implementor Commitments—August 15, 1981.
- (4) Inclusion of implementation of CO strategies and funding in 1982 Transportation Improvement Plan (TIP)—December 1981.
- (5) Submittal of TIP to USEPA—January 1, 1982.

USEPA approves the Milwaukee area transportation control measure portion of the CO and ozone SIP on the condition that Wisconsin submit, if necessary, CO strategies for identified hotspots to USEPA as SIP revisions by January 1, 1982. This submittal will include the CO excerpts from the 1982 Milwaukee TIP. USEPA is proposing the January 1, 1982 submittal date elsewhere in today's Federal Register.

Madison Area: Ozone

Dane County, which contains the Madison urbanized area has been designated as nonattainment for the ozone NAAQS. The Dane County Regional Planning Commission (DCRPC), designated as the lead local agency under section 174 of the Act, developed the transportation control plan for ozone in conjunction with WDNR and WDOT.

The Wisconsin SIP submittal contains a demonstration that the ozone NAAQS can be attained in this area by December 31, 1982. The following table identifies strategies in the transportation control plan for attaining the ozone NAAQS.

Major TSM projects that are anticipated to be implemented or continued for the period of 1979 through 1982 are:

Strategy	Status	Implementor
1. Carpool coordination program.	Continuing	Dane County.
2. Vanpool programs.	Continuing	Wisconsin DOA University of Wisconsin.
3. Residential parking permits (affects most central Madison neighborhood areas).	Continuing	City of Madison.
4. Downtown parking efficiency demonstration program (includes attendant parking in ramps, parking rate changes, fringe lots with shuttle buses and more).	Approved 1978, implement 1979-1980.	City of Madison.
5. State Street transit/pedestrian mall.	50 percent complete, 100 percent by 1982.	City of Madison.
6. Transit service increase.	Addition of 48 buses in 1979.	City of Madison.
7. Bus shelters.	New shelters by 1982.	City of Madison.
8. Downtown shuttle service increase.	Additional shuttle buses added by 1982.	City of Madison.
9. Bus/taxi rate coordination demonstration.	Study in progress.	City of Madison.
10. Express bus service to fringe areas.	New runs.	City of Madison.
11. Discounted bus passes to employees.	Continuing.	Hospitals, county, government, and other.
12. Outer area transit service increases.	New buses.	Private transit service and City of Madison.
13. Transit rate changes for better efficiency and Service.	Continuing.	City of Madison.
14. Improved Transportation system surveillance and monitoring.	Continuing.	DCRPC municipalities.

Strategy	Status	Implementor
15. Traffic operation improvements—channelization of traffic—one-way streets.	Continuing	Local implementing agencies.
16. Computerized traffic control—other activities.	Continuing	Local implementing agencies.
17. Bikeway system improvements.	Continuing	Various municipalities.

In the June 17, 1980 notice of proposed rulemaking, USEPA proposed to approve the transportation control plan for the Madison area. No public comments were received on USEPA's proposed approval. Therefore, USEPA approves the ozone transportation control plan for the Madison urbanized area as satisfying all applicable requirements.

Green Bay: Ozone

Brown County, which contains the Green Bay urbanized area, has been designated as nonattainment for the ozone NAAQS. The Green Bay urbanized area has a population of less than 200,000. Consequently, transportation control plans are not required in this area. As discussed in the April 4, 1979 Federal Register transportation controls are not required in "rural" nonattainment areas since controls on major stationary sources and the development of transportation control plans in urban areas should assure reasonable further progress and attainment of the standard in "rural" areas by minimizing the transport of the pollutant from urban to rural areas.

The State has chosen to develop a transportation control plan for this area. The Plan was developed by the Brown County Planning Commission, which is the designated lead local agency for the area, in conjunction with WDNR and WDOT. The plan demonstrates that the ozone NAAQS can be attained in this area by December 31, 1982. The plan relies on the following strategies for which emission reduction credits are claimed:

1975-1979	
Strategy	Implementor
Traffic flow improvement, 4th Street and Lost Dauphin Road improvement.	City of Green Bay, City of DePere.
5th Street, Route 172 and bridge crossing improvements.	Wisconsin DOT.
Railroad crossing improvements.	City of Green Bay.
Transit increase ridership (50 percent).	City of Green Bay.
Hillcrest Drive and bridge improvement.	Transit Commission Village of Howard.

In the June 17, 1980 notice of proposed rulemaking USEPA proposed to approve

the transportation control plan for the Green Bay area. No public comments were received on USEPA's proposed approval. Therefore, USEPA approves the ozone transportation control plan for the Green Bay area, as satisfying all applicable requirements.

Wisconsin's Inspection and Maintenance Plan

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes of vehicles can be included as well. Vehicles which do not comply with the program requirements can be prohibited from operating on public roads by requiring proof of compliance in order to purchase license plates or to register a vehicle.

Section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control (I/M) program when it is demonstrated that attainment of the primary standards for CO and/or ozone is not possible in an area prior to December 31, 1982, despite the implementation of all reasonable emission control measures.

USEPA issued guidance on February 24, 1978, on the general criteria for SIP approval, including I/M and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of those items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 13072, 23073, n. 6). The July 17, 1978 guidance should be consulted for details. The key elements for I/M SIP approval were in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here.

Wisconsin has demonstrated that attainment of the NAAQS for CO and ozone is not possible in the Milwaukee Metropolitan area by December 31, 1981. Consequently, the State has requested an extension until December 31, 1987 for this area. According to the requirements of section 172(b)(11) of the Act, an I/M program must be implemented in this area. The following analysis discusses the conformance of the Wisconsin SIP with the requirements for SIP approval.

1. *Legal Authority (Including Description of I/M Program)*—On April 2, 1980, the Wisconsin Legislature passed Amended Assembly Bill 500, which provides legal authority for the implementation and enforcement of an

I/M program. The Governor signed the bill on May 1, 1980. On May 7, 1980, it was formally submitted to USEPA. On May 11, 1980 it became an enforceable State law in Wisconsin.

This law requires the Department of Natural Resources to adopt rules which specify emissions limitations for motor vehicles. To monitor compliance with the standards the bill establishes a motor vehicle emission I/M program. The program must operate in counties requiring I/M by Federal law to meet ambient air quality standards and in counties whose board of supervisors request that the program be established.

USEPA reviewed the law, and based on this review, proposed to approve the State of Wisconsin's legal authority to implement and enforce an I/M program in the June 17, 1980 *Federal Register*. No public comments were received on the State's legal authority. Therefore USEPA approves this portion of Wisconsin's I/M plan.

2. Commitment to Implement—According to section 172(b)(10) of the Act, written evidence is required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan."

On December 20, 1979, the Natural Resources Board adopted a resolution and schedule regarding the implementation of a vehicle emission control I/M program in Wisconsin. Wisconsin's SIP submittal also committed to the development and implementation of an I/M program in Southwest Wisconsin by 1983. Also, a commitment to implement, establish and operate an I/M program, was signed by Governor Dreyfus on October 16, 1979. The actions described above meet the criteria of section 172(b)(10) of the Act. No public comments were received on Wisconsin's commitment to implement the program. Therefore, USEPA approves Wisconsin's commitment to implement.

3. Identification and Commitment of Resources—The Legislative Authority enacted in Wisconsin does not address a mechanism to fund the program. Therefore, on May 8, 1980, the State submitted a revised schedule for implementation of an I/M program, which included a milestone to secure the financial and manpower resources to implement and operate the I/M program by February 1, 1981. USEPA proposed to approve in the June 17, 1980 *Federal Register* Notice the State's I/M resource commitment based on this submittal. Wisconsin has not yet fulfilled this requirement. To be fully approved, Wisconsin's I/M program requires a financial/manpower resource

commitment. Wisconsin has informed USEPA that its legislature is currently considering such a commitment and action on the commitment is anticipated about August 1, 1981. On April 9, 1981 Wisconsin committed itself to submit the State's action to USEPA by August 15, 1981. Therefore, USEPA is approving Wisconsin's commitment of resources on the condition that Wisconsin submit its funding/manpower commitment to the USEPA by August 15, 1981. The commitment date of August 15, 1981 is being proposed for public comment elsewhere in today's *Federal Register*.

4. Schedule for Implementation of the Plan—On May 8, 1980 the State submitted a revised implementation schedule which established key milestones which meet the criteria established in USEPA's July 17, 1978 guidance memorandum. USEPA proposed to approve Wisconsin's I/M implementation schedule in the June 17, 1980 *Federal Register* notice. No public comments were received on the schedule. However, Wisconsin has missed milestones in its implementation schedule. On April 9, 1981 Wisconsin committed itself to submit a revised implementation schedule to the USEPA by August 15, 1981. The August 15, 1981 date is based on the abovementioned legislative action.

USEPA is approving Wisconsin's I/M implementation schedule on the condition that Wisconsin submit a revised schedule to USEPA by August 15, 1981. This date is being proposed for public comment elsewhere in today's *Federal Register*.

5. Program Effectiveness—Based on information in the SIP, the I/M program for light duty vehicles will achieve in 1987 a 42 percent reduction in VOC exhaust emissions and a 50 percent reduction in CO exhaust emissions in the Milwaukee metropolitan area. These emission reductions were calculated by comparing total mobile source exhaust emissions in 1987 with and without the I/M program. The calculations are based on the assumptions that the I/M program will have a 20 percent stringency factor and that a mechanics' training program will be implemented. Therefore, the program is in conformity with USEPA criteria for SIP approval.

The Clean Air Act requires I/M in those areas where an extension of the 1982 attainment deadline is requested. On July 17, 1978, David Hawkins issued Inspection and Maintenance Policy Guidance. This guidance discussed the geographic area in which an I/M program must be implemented. It indicated that I/M should focus on metropolitan areas and should include the entire urbanized areas and adjacent

fringe areas of development. The February 24, 1978, criteria for approval of 1979 SIP revisions, issued by the Administrator, states that the urbanized area is defined by the U.S. Bureau of Census, 1970.

Because Wisconsin requested an extension of the deadline for attaining the CO and ozone standards for the Milwaukee area, the Act requires that an I/M program be implemented in the Milwaukee area. The State responded on August 12, 1980 that it finds an I/M program is required for the Counties of Milwaukee, Ozaukee, Racine, Washington, and Waukesha, all or part of which are in the Milwaukee urbanized area, and the County of Kenosha, which the State indicates is a fringe area of development adjacent to the counties listed above. USEPA agrees with the State's determinations. Further, pending completion by current ongoing analysis of the State, the implementation of an I/M program in Walworth County could be required.

No public comments were received on Wisconsin's I/M program effectiveness. USEPA approves Wisconsin's program as meeting the program effectiveness requirements.

In conclusion, USEPA approves Wisconsin's I/M program on the condition that Wisconsin submit to the USEPA by August 15, 1981 (1) its funding/manpower resource commitment and (2) a revised implementation schedule. The August 15, 1981 date is being proposed for public comment elsewhere in today's *Federal Register*.

Attainment Demonstrations for Carbon Monoxide and Ozone

The April 4, 1979 *Federal Register* and its supplements detail the requirements for acceptable attainment demonstrations. A summary of the requirements for an acceptable attainment demonstration were listed in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here. USEPA has reviewed Wisconsin's CO and ozone attainment demonstrations to determine if they satisfy these requirements. Wisconsin has met these requirements with three exceptions; the CO hotspot analysis which was discussed in the section of this notice entitled "Milwaukee area: carbon monoxide and ozone" and the I/M resource commitment and revised implementation schedule discussed above.

The following is a brief description of the attainment demonstration for each metropolitan area. Wisconsin's response to the June 17, 1980 notice of proposed

rulemaking, and USEPA's final rulemaking action on the attainment demonstrations.

Milwaukee County: Carbon Monoxide

The only area in Wisconsin designated as nonattainment for CO is a portion of the central business district (CBD) of Milwaukee. Violations of the primary eight hour NAAQS (10mg/m³) were recorded at three monitoring sites in the CBD during the 1975-mid 1977 monitoring period.

The State used computer dispersion modeling to analyze the problem. The State's modeling analysis predicts that a CO emission reduction of between 38% and 46% is necessary to demonstrate attainment of CO NAAQS in the Milwaukee area. The Wisconsin CO Control Program Strategy relies primarily on the Federal Motor Vehicle Control Program (FMVCP) and transportation control measures to provide CO emission reductions in the Milwaukee area. The State's submission indicates that the required level of CO emission reductions to demonstrate attainment cannot be achieved by 1982, despite the implementation of all reasonably available control measures. However, the submission does indicate that the necessary emission reductions can be achieved by 1987. Based on its inability to attain the CO NAAQS by 1982, the State on January 10, 1980, requested an attainment date extension until no later than December 31, 1987. USEPA today is approving that request.

In USEPA's June 17, 1980 notice of proposed rulemaking, USEPA stated that the State's CO attainment demonstration contained a technical deficiency in that it did not fully substantiate the assumption that stationary sources are insignificant contributors to the CO emission inventory in the nonattainment area. On August 12, 1980, Wisconsin responded that less than 3% of CO emissions in Milwaukee County comes from stationary sources. This corrects the technical deficiency cited in the June 17, 1980 notice of proposed rulemaking.

No public comments were received on USEPA's proposed approval of the CO demonstration of attainment in Milwaukee County. Therefore, USEPA approves this portion of Wisconsin CO SIP.

Milwaukee Area: Ozone

The WDNR and SEWPRC used two modeling methods for the determination of the required VOC emission reductions needed to attain the ozone standards in southeast Wisconsin. The Standard Empirical Kinetics Modeling Approach (EKMA) was employed for

the greater Milwaukee are (Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties). Standard EKMA predicted that a 69% reduction in VOC emissions is necessary for the attainment of the ozone standard in Milwaukee.

Wisconsin evaluated various combinations of control measures to provide for attainment of the NAAQS. Based on the projected emission reductions due to the application of RACT, FMVCP controls, TCM, and vehicle I/M (Milwaukee area only), the WDNR developed emission inventories for 1982 and 1987 in each of the nonattainment areas. The projected emission inventories for Milwaukee indicate that attainment will not occur until after 1982, and, without additional control measures beyond these presently available, it will not occur until after 1987.

Section 172(b)(3) of the Act requires the SIP to contain a provision for reasonable further progress (RFP) toward attainment of the NAAQS in the years following the submission of the SIP and prior to the final deadline date. Section 171(l) of the Act defines RFP as meaning annual, incremental emission reductions, including substantial reductions in the early years following approval of the SIP. In its SIP submission Wisconsin made a commitment to RFP for the urban nonattainment areas. RFP graphics showing expected annual VOC emissions as a function of time were given for Milwaukee.

The RFP curve presented for Milwaukee in the Wisconsin SIP submittal shows that under the present control plans the Milwaukee area emissions will not reach the attainment level until after 1987. The WDNR has made a commitment to develop and implement additional control programs such that the standard will be attained by 1987. Based on the controls presently adopted and Wisconsin's various commitments to adopt further controls as necessary, USEPA approves Wisconsin's ozone attainment demonstration for the Milwaukee area (which includes the nonattainment counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, and Waukesha).

Madison Area: Ozone

The State's modeling analysis for demonstrating attainment of the ozone NAAQS shows that an 11% reduction in VOC emissions is required to meet the standard. This emission reduction requirement was determined using the Linear Rollback Approach (LRA) model. The ozone control strategy relies upon

VOC RACT controls on stationary sources, the FMVCP, and transportation control measures. The State's submission indicates that a 39.8% reduction in VOC emissions will be achieved with these controls by December 31, 1982, thus assuring attainment of the ozone standard.

No public comments were received on USEPA's proposed approval of the Madison area ozone attainment demonstration. Therefore, USEPA approves the Madison area (Dane County) ozone attainment demonstration as satisfying all applicable requirements.

Green Bay: Ozone

The State's modeling analysis for demonstrating attainment of the ozone NAAQS predicts that a 34% reduction in VOC emissions is required to meet the standard. This emission reduction requirement was determined using the LRA model. The ozone control strategy relies upon VOC RACT controls on stationary sources, the FMVCP, and transportation control measures. The State's submission indicated that a 39% reduction in VOC emissions can be achieved by December 31, 1982, thus assuring attainment of the ozone standard.

No public comments were received on USEPA's proposed approval of the ozone attainment demonstration for the Green Bay area. Therefore, USEPA approves the Green Bay (Brown County) ozone plan as a portion of Wisconsin's SIP.

Ozone Redesignations

The March 3, 1978 Federal Register notice designated Grant, La Crosse, Douglas, Brown, Vilas, Kenosha, Milwaukee, Ozaukee, Racine, Waukesha, Columbia, and Dane Counties as not attaining the 0.080 ppm one hour oxidant standard (43 FR 8962; 40 CFR 81.350). Sheboygan County was designated unclassifiable. On February 8, 1979, the standard was changed to a 0.120 ppm ozone standard, not to be exceeded on the average of more than 1.00 times a year (44 FR 8220). The WDNR has demonstrated that although Grant, Douglas and La Crosse Counties have recorded violations of the 0.080 ppm standard, no violations of the 0.120 ppm standard have been recorded in these counties. However, the data for Douglas County do not cover an entire peak season for ozone and thus are insufficient to demonstrate attainment of the ozone NAAQS.

Therefore, USEPA today is approving the redesignation of Grant and La Crosse Counties to attainment and the

redesignation of Douglas County to cannot be classified. Two public comments were received, dated September 8, 1980, and September 15, 1980 supporting USEPA's approval of the redesignation of La Crosse County.

In Sheboygan County, quality assured data for 1978 indicates the 0.12 ppm standard was exceeded 15 times at the Wilson Township monitoring site during the year. The second highest concentration observed during the year was 0.222 ppm. Non-quality assured industrial data indicate that the standard was also exceeded in 1977. A second high concentration of 0.231 ppm was observed at the industrial site in 1977. Review of the available data under the present USEPA Guidelines ("Guideline for Interpretation of Ozone Air Quality Standards" EPA-450/4-79/003) indicates that a redesignation of Sheboygan County to nonattainment for ozone is appropriate.

USEPA approves the redesignation for ozone of Sheboygan County from unclassifiable to nonattainment, the redesignation of La Crosse and Grant Counties from nonattainment to attainment for ozone, and Douglas County from nonattainment to cannot be classified.

Part D Requirements for Rural Counties

In order to meet the Part D requirements in "rural" ozone nonattainment areas, i.e., urbanized areas of less than 200,000 population, the USEPA requires only the adoption of stationary source VOC RACT regulations on major sources. Transportation control measures are not required in rural nonattainment areas because the combination of controls on major stationary sources in all nonattainment areas and the development of transportation control plans in urban areas should assure attainment in the rural areas by minimizing the pollutants transported from urban to rural areas. The USEPA approved on January 11, 1980 Wisconsin's VOC RACT regulations and its commitment to adopt further RACT regulations as required. These RACT regulations meet the Part D requirements for Wisconsin's rural counties. USEPA proposed to approve in the June 17, 1980 Federal Register (as corrected on August 19, 1980, 45 FR 55230) Wisconsin's ozone strategy for La Crosse, Vilas, Kenosha, Columbia, Grant, Sheboygan and Douglas Counties. Because USEPA is today redesignating Grant and La Crosse Counties to attainment and Douglas County to cannot be classified, no Part D plan is necessary for these counties. USEPA approves the ozone plan for

Columbia, Kenosha, Sheboygan, and Vilas Counties.

Conclusion

The USEPA approves the redesignation of Grant, and La Crosse Counties to attainment for ozone, Douglas County to cannot be classified, and Sheboygan County to nonattainment. It approves the complete ozone plans, including transportation management portions, for the Green Bay (Brown County) and Madison (Dane) urban areas. It approves the ozone plan for Columbia, Kenosha, Sheboygan, and Vilas Counties. It approves the CO and ozone attainment demonstrations and the transportation control plan for the Milwaukee urban area. The Milwaukee urban area includes the ozone nonattainment Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, and Waukesha. It approves the attainment date extension for ozone and CO in the Milwaukee area to 1987. It conditionally approves the CO plan and the ozone plan for the Milwaukee urban area. It conditionally approves Wisconsin's I/M program. The conditional approval of the CO strategy in the Milwaukee Area (Milwaukee County) is based upon continued progress by the State in completion of its hot-spot analyses and submission of selected control strategies, if necessary, by no later than January 1, 1982. The analyses must consider the impact of CO background concentrations. The conditional approval of the ozone plan is based on the conditional approval of Wisconsin's I/M program. USEPA is approving the I/M plan in Southeast Wisconsin on the condition that the State submit a funding/manpower resource commitment and revised implementation schedule to the USEPA by August 15, 1981. The January 1, 1982 and the August 15, 1981 dates are being proposed elsewhere in today's Federal Register.

These regulations are being made effective immediately because they impose no new requirements on anybody above those already imposed by state law and because they remove in certain areas the growth restrictions of section 110(a)(2)(I) of the Act.

Under Executive Order 12291, USEPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not "major" as defined by Executive Order 12291, because this action approves a State program enacted by the State to attain the national ambient air quality standards for carbon monoxide and ozone and imposes no new regulatory requirements.

This approval by USEPA removes the growth restrictions of Section 110(a)(2)(I) in those nonattainment areas.

Under Section 307(b)(1) of the Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Act the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements. (Sec. 110 and 172 of the Clean Air Act as amended.)

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

Dated: April 29, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Parts 52 and 81 are amended as follows:

1. Section 52.2570(c) is amended by adding subparagraphs (16) and (17) as follows:

§ 52.2570 Identification of plan.

(c) * * *

(16) On July 12, 1979 Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine, Walworth and Waukesha.

Supplemental materials were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, and November 4, 1980.

(17) On July 12, 1979, Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, and May 8, 1980.

2. Section 52.2577 is revised as follows:

§ 52.2577 Attainment dates for national standards.

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

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

a. July, 1975.

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

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

d. December 31, 1982.

e. December 31, 1987.

f. 18-month extension granted.

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(p)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577 (1978).

For actual nonattainment designations refer to 40 CFR Part 81.

Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

3. Section 52.2583 is added as follows: § 81.350 Wisconsin.

§ 52.2583 Control strategy: Carbon monoxide.

(a) Part D Conditional Approval—The Wisconsin plan for Milwaukee is approved provided that the following conditions are satisfied:

(1) The plan must contain, if necessary, carbon monoxide strategies for identified hotspots in Milwaukee.

(2) The plan must contain a funding/manpower resource commitment for implementing Wisconsin's I/M program.

(3) The plan must contain a revised schedule for implementing Wisconsin's I/M program.

4. Section 81.350 is revised as follows:

Wisconsin—OX

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 68:		
Grant County		x
AQCR 73:		
Rock County		x
AQCR 129:		
Barron County		x
Buffalo County		x
Chippewa County		x
Clark County		x
Crawford County		x
Dunn County		x
Eau Claire County		x
Jackson County		x
LaCrosse County		x
Monroe County		x
Pepin County		x
Pierce County		x
Polk County		x
St. Croix County		x
Trempealeau County		x
Vernon County		x

Wisconsin—OX—Continued

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 129:		
Ashland County		x
Bayfield County		x
Burnett County		x
Douglas County		x
Iron County		x
Price County		x
Rusk County		x
Sawyer County		x
Taylor County		x
Washburn County		x
AQCR 237:		
Brown County	x	
Calumet County		x
Door County		x
Fond du Lac County		x
Green Lake County		x
Kewaunee County		x
Manitowoc County		x
Marquette County		x
Menominee County		x
Oconto County		x
Outagamie County		x
Shawano County		x
Sheboygan County	x	
Waupaca County		x
Waushara County		x
Winnebago County		x
AQCR 238:		
Adams County		x
Florence County		x
Forest County		x
Juneau County		x
Lanigade County		x
Lincoln County		x
Marathon County		x
Oneida County		x
Portage County		x
Vilas County	x	
Wood County		x
AQCR 239:		
Kenosha County	x	
Milwaukee County	x	
Ozaukee County	x	
Racine County	x	
Walworth County		x
Washington County		x
Waukesha County	x	
AQCR 240:		
Columbia County	x	
Dane County	x	
Dodge County		x
Green County		x
Iowa County		x
Jefferson County		x
Lafayette County		x
Richland County		x
Sauk County		x

[FR Doc. 81-13679 Filed 5-6-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-4-FRL 1819-7]

Air Quality Planning; Alabama: Redesignation of Morgan County; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: This notice corrects an error in the listing of the Mobile County TSP

nonattainment area in FR 81-6810, a final rule changing the Section 107 designation of Morgan County, Alabama, for particulate matter to attainment.

FOR FURTHER INFORMATION CONTACT:

Jerry Preston of the EPA Region IV Air Programs Branch at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In FR Document 81-6810, appearing at page 14891 of the issue of March 3, 1981, make the following correction in the TSP table of 40 CFR 81.301. In the entry for Mobile County, remove the "X" from the column headed "Cannot be classified" and insert an "X" in the columns headed "Does not meet primary standards" and "Does not meet secondary standards." (Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: April 24, 1981.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 81-13654 Filed 5-5-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF ENERGY

41 CFR Ch. 9

Procurement Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule will correct errors in the DOE Procurement Regulations, Chapter 9, Title 41 of the Code of Federal Regulations. The corrections are not substantive but rather are in the nature of corrections of misspellings, corrections of erroneous citations, omissions of words, changes in addresses and the like.

DATES: Comments must be received on or before June 5, 1981, to be considered. The rule will be effective June 5, 1981.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Division (PR-211), Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Langston, Policy and Procedures Division (PR-211), Procurement and Assistance Management, (202) 252-8188

Mr. Barclay E. Van Doren, Assistant General Counsel for Procurement, Office of the General Counsel, (202) 252-6902

SUPPLEMENTARY INFORMATION:

I. Background.

II. Statutory and Regulatory Requirements.

III. Purpose.

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the DOE-PR was promulgated with an effective date of June 30, 1979 (44 FR 34434, June 14, 1979).

II. Statutory and Regulatory Requirements

To the extent that Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) relating to the rulemaking opportunity for oral presentations is applicable to the rule, the Department has determined that no substantial issue of fact or law exists and that this rule is unlikely to have substantial impact on the Nation's economy, or large numbers of individuals or businesses.

The DOE Procurement Regulations are authorized under Section 644 of the Department of Energy Act, Pub. L. 95-91 and the Federal Property and Administrative Services Act of 1949, as amended, and other applicable law.

The Department has further determined that the rule will not have a significant economic impact on a substantial number of small entities and that therefore the Pub. L. 96-354 requirement for a regulatory flexibility analysis is not applicable. This is so because the rule is merely correcting typographical errors, omissions, addresses and titles.

III. Purpose

The purpose of this final rule is to correct errors and omissions which have been discovered in the course of using the regulations. The errors being corrected are in the nature of misspellings and incorrect citations rather than substantive changes. For this reason public comment is not considered necessary. The Department will, however, give full consideration to any comments submitted on or before June 5, 1981.

For the reasons set forth in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Dated: April 29, 1981.

For the Department of Energy.

Hilary J. Rauch,

Director, Procurement and Assistance Management.

41 CFR Chapter 9 is amended by amending the following portions:

CHAPTER 9—DEPARTMENT OF ENERGY PROCUREMENT REGULATIONS

Part

- 9-1 General.
- 9-2 Procurement by formal advertising.
- 9-3 Procurement by negotiation.
- 9-4 Special types and methods of procurement.
- 9-5 Special and directed sources of supply.
- 9-7 Contract clauses.
- 9-8 Patents, data, and copyrights.
- 9-10 Bonds and insurance.
- 9-15 Contract cost principles and procedures.
- 9-18 Procurement of construction.
- 9-23 Subcontracting policies and procedures.
- 9-50 Operating and on-site service contracts.

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, Statute 599 (42 U.S.C. 7254).

PART 9-1—General.

§§ 9-1.051-1 and 9-1.051-4 [Amended]

By removing the word "policy" from the title of Sections 9-1.051-1 and 9-1.051-4.

Subpart 9-1.4 [Amended]

§ 9-1.404-2 [Reserved]

By removing the word "DESIGNATION" and substituting the word "RESERVED" in the index of 9-1.4 Procurement Responsibility and Authority, appearing opposite DOE-PR reference 9-1.404-2.

§ 9-1.009-2 [Amended]

By amending § 9-1.009-2(b) to correctly cite the subpart reference by removing "9.50.704" and substituting "9-50.704."

§ 9-1.206 [Amended]

By revising the last sentence in the first paragraph of § 9-1.206 to read as follows: "A partial listing of duties specifically reserved to the HPA or designee includes:"

§ 9-1.051-1 [Amended]

By removing the word "policy" from the title, introductory sentence and paragraph (a) such that the term "acquisition policy letters" becomes "acquisition letters" and by removing the words "concerning internal practices and" and substituting the words "on procurement" in paragraph (c).

§ 9-1.051-4 [Amended]

By substituting the term "acquisition letters" for "acquisition policy letters" and "AL" for "APL" as the acronym for the term at the title, line 2 of paragraph (a) and lines 1 and 3 of paragraph (b).

§ 9-1.251 [Amended]

By substituting the word "Assistance" for the word "Contracts" such that the position title reads "Director of Procurement and Assistance Management."

§ 9-1.404 [Amended]

By removing the word "Policy" from the term "Acquisition Policy Letters" of paragraph 9-1.404-1.

§ 9-1.704-1 [Amended]

By changing "This" to "These" before the word "programs" on line 9.

§ 9-1.807 [Amended]

By substituting the word "Assistance" for "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management" at paragraphs (a) and (d).

Subpart 9-1.54 [Appendix A Amended]

By correcting the spelling of the word "reasonable" appearing in the second sentence under example 4 of Appendix A of Subpart 9-1.54.

§ 9-1.5404 [Amended]

By removing the quotation symbol appearing at the end of 9-1.5404(b)(7).

§ 9-1.5406 [Amended]

By removing the incorrect reference to "9-1.5407" appearing in Subpart 9-1.5406 and substituting therefore "9-1.5408-2."

§ 9-1.5407 [Amended]

By correcting the spelling of the word "disclosure" which appears as the next to last word in the paragraph under 9-1.5407.

§ 9-1.5411 [Amended]

By correcting the spelling of the word "appropriate" which appears in the second sentence of the paragraph under 9-1.5411.

§ 9-1.5411 [Amended]

By correcting the spelling of the word "appropriate" which appears in the second sentence of the paragraph under 9-1.5411.

§ 9-1.5404 [Amended]

By removing the quotation symbol appearing at the end of 9-1.5404(b)(7).

PART 9-2—PROCUREMENT BY FORMAL ADVERTISING**§ 9-2.106 [Amended]**

By substituting the word "Assistance" for the word "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management."

PART 9-3—PROCUREMENT BY NEGOTIATION**§§ 9-3.805-50 and 9-3.805-51 [Amended]**

By changing the organizational title "Procurement and Contracts Management Directorate" to "Procurement and Assistance Management" at:

- (1) 9-3.805-50(a)(1)(ii) and (2); and
- (2) 9-3.805-51(d)(1)(i) B, C and E.

By changing the word "regulation" to "section" at paragraph 9-3.805-51(b).

§ 9-3.807-50 [Amended]

By substituting the word "Assistance" for "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management."

PART 9-4—SPECIAL TYPES AND METHODS OF PROCUREMENT**§ 9-4.411-3 [Amended]**

By substituting "Office of Facility Planning and Support" for the "Office of Construction and Facility Management."

§ 9-4.904 [Amended]

By amending 9-4.904(a) to correctly cite the reference to the FPR by removing "FPR Section 9-4.9" and substituting "FPR 1-4.9."

§ 9-4.908 [Amended]

By removing "Unsolicited Proposal, Mail Stop RB-400, Washington, DC 20585" in 9-4.908 and substituting "Procurement and Assistance Management, DOE, Unsolicited Proposal Management Branch, PR-33, Washington, DC 20585."

Section 9-4.908(b) is amended by correcting the title and address of the office to which unsolicited proposals should be submitted such that it reads: "Procurement and Assistance Management, DOE, Unsolicited Proposal Management Branch, PR-33, Washington, DC 20585."

§ 9-4.909 [Amended]

Section 9-4.909(a) is amended by correcting the spelling of the word "established" which appears immediately before the word "accountability."

Section 9-4.909(e)(1) is amended by substituting the word "Assistance" for the word "Contracts" such that the title becomes "Director, Procurement and Assistance Management" at subparagraphs (ii), (iii) and (iv).

§ 9-4.5105 [Amended]

By amending 9-4.5105 to cite the FPR by removing "9-4.906" and substituting "FPR 1-4.9."

§ 9-4.5703 [Amended]

By amending 9-4.5703-1(b) by removing "DOE-AR 232 (10 CFR 600.232)" appearing in the fourth sentence, and substituting "DOE-AR 233 (10 CFR 600.233)."

§ 9-4.5800 [Amended]

By amending 9-4.5800(b) by removing "DOEOAR 600.233" in the third sentence and substituting "DOE-AR 600.234."

PART 9-5—SPECIAL AND DIRECT SOURCES OF SUPPLY**Subpart 9-5.3—Excess Personal Property [Amended]****§ 9-5.900 Redesignated as § 9-5.300**

By amending Subpart 9-5.3 by removing "Section 9-5.900" appearing immediately after "Subpart 9-5.3 Excess Personal Property" and substituting "Section 9-5.300."

§ 9-5.5504 [Amended]

By correcting the spelling of the word "Purchase" at line 2 in the term "lease-purchase."

PART 9-7—CONTRACT CLAUSES**§ 9-7.104-51 [Amended]**

By capitalizing "Contracting" in "Contracting Officer" at line 1 of the clause and changing "State" to lower case "state."

§ 9-7.202-59(a) [Amended]

By capitalizing "Contracting Officer" at line 1 of paragraph (a).

§ 9-7.302-58 [Amended]

By amending § 9-7.302-58(b) by removing the word "contracts" and substituting the word "contacts."

§ 9-7.802 [Amended]

By revising the reference to the Contract Disputes Act of 1978 appearing in § 9-7.802-5(a) to read "(41 U.S.C. 601 et seq.)."

§ 9-7.802-4 [Amended]

By capitalizing "Contracting Officer" at line 1 of paragraph (a).

PART 9-9—PATENTS, DATA, AND COPYRIGHTS**§ 9-9.107-5 [Amended]**

By removing "10 CFR 718" from paragraph (c)(3) of 9-9.107-5(a) and substituting "10 CFR 781."

By inserting "a" between the word "is" and the word "third" in the first sentence of paragraph (j)(7) of 9-9.107-5(a).

By adding the words "if included" between the words "and" and "the" in paragraph (m) of 9-9.107-5(a).

§ 9-9.107-6 [Amended]

By amending the Patent Rights (Short Form) clause appearing in § 9-9.107-6 as follows: By removing the word "patents" and substituting therefore "plants" in paragraph (a)(1) of § 9-9.107-6. By adding a "(d)" immediately after "41 CFR 9-9.109-6" in paragraph (c)(2) of § 9-9.107-6.

§ 9-9.109-6 [Amended]

By removing the word "five" from the first sentence of paragraph (h)(3) of 9-9.109-6 and substituting the word "six."

By removing the word "confirmation" from the second sentence of paragraph (i)(5)(ii)(C) of § 9-9.109-6 and substituting "confirmatory."

§ 9-9.202-3 [Amended]

By adding the words "technical data contains" after the word "This" which is the first word in the first sentence under "Limited Rights Legend" which appears under paragraph (g). In the same sentence as referenced above add the word "which" before the word "may" where it first appears in the sentence.

By removing "its" and substituting "their" in paragraph (b)(3) of § 9-9.202-3(e)(4).

By adding the word "or" after "Officer" in paragraph (b) of § 9-9.202-3(f)(2).

§ 9-9.202-4 [Amended]

By adding the words "technical data concerns" after the word "this" and adding the word "which" before "may" in the first sentence under "Limited Rights Legend" in paragraph (e) of § 9-9.202-4(d).

PART 9-10—BONDS AND INSURANCE

§ 9-10.5008 [Amended]

By amending § 9-10.5008 by removing the "(a)" appearing at the beginning of the representation clause and by removing the entire paragraph "(b)" from the representation clause and by removing the designation "(b)" and retaining the language immediately following the "(b)" as the last paragraph of text under § 9-10.5008.

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

§ 9-15.5006-1 [Amended]

By capitalizing "Contracting Officer" at the second line in paragraph (a).

PART 9-18—PROCUREMENT OF CONSTRUCTION

§ 9-18.650 [Amended]

By removing the words "The following list shall be noted in the specifications" and the partial listing beginning with "Antimony" and ending with "Rubber-crude and latex" on § 9-18.650 and substituting therefore "The list of excepted supplies appearing at § 9-6.105 shall be noted in the specifications."

PART 9-23—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 9-23 [Amended]

§§ 9-23.104, 9-23.107, 9-23.108, and 9-23.110 [Amended]

By changing the title "Director, Office of Procurement Management (attn: PR-32)" to "Director, Office of Policy, (attn: PR-20)" at paragraphs 9-23.104 (c) and (f), 9-23.107 (a) and (b), 9-23.108(g) and 9-23.110(a) and by revising the last sentence of 9-23.104(f) to read as follows: "Initial and follow-up review teams should include, when available, a DCAS representative and a representative from Procurement and Assistance Management as well as other DOE representatives as may be appropriate."

PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

§ 9-50.109-2 [Amended]

By inserting a hyphen between the words "Architect" and "Engineer" appearing in § 9-50.109-2(b).

§ 9-50.302-5 [Amended]

By amending § 9-50.302-5(a)(2) by removing "5(a) and 5(b)" which appears in the last sentence of paragraph (2) and substituting therefore "(a)5(i) and (a)5(ii)" and by removing in 5(i) "Director, Office of Procurement Management (attn: PR-32)" and substituting therefore "Director, Office of Policy (attn: PR-20)."

§ 9-50.304 [Amended]

By amending paragraph (c)(3) of § 9-50.304 by correcting the spelling of the word "justification."

§ 9-50.704-16 [Amended]

By removing the word "routine" and substituting "routing" at paragraph 23(i).

§ 9-50.704 [Amended]

By correcting a page duplication by removing all text from paragraph (e) of § 9-50.704-18 through the word "allowable" in paragraph (j) of § 9-50.704-18 as it first appears in the text.

§ 9-50.704-18 [Amended]

By amending § 9-50.704.18(e) by correcting the spelling of the word "appropriate" in the last sentence of this paragraph.

§ 9-50.704-20 [Amended]

By amending § 9-50.704-20(b) by removing "\$100,000" and substituting therefore "\$100,000."

§ 9-50.704-21 [Amended]

By removing the word "or" appearing between the word "contractor" and the word "under" in (d) of § 9-50.704-21.

§ 9-50.704-24(a) [Amended]

By revising the DOE-PR reference in § 9-50.704-24(a) to read "Section 9-3.807-3."

§ 9-50.1002-1 [Amended]

By revising the title to read "Construction Contracts (Lump Sum and Unit Price)."

§ 9-50.1003 [Amended]

By amending § 9-50.1003-1 by adding "(Lump Sum and Unit Price)" immediately after the word "contracts" which appears in the title.

§ 9-50.1103 [Amended]

By amending § 9-50.1103-2 by removing the "(a)" appearing immediately before the word "contracting."

§ 9-50.1210-4 [Amended]

By changing the word "is" the first time it appears in paragraph to "are."

§ 9-50.1213-6 [Amended]

By adding the words "shall be reported to the DOE. In accordance with this policy, I" between the third and fourth lines of paragraph (b).

§ 9-50.1401 [Amended]

By amending § 9-50.1401 by changing the word "Limitation" from the singular to the plural "Limitations."

DOE Procurement Regulations Topical Index [Amended]

By amending the topical index by adding the following subject "Multiple Awards Phased Procurements" and the DOE-PR reference "9-4.50" to the index immediately following the subject "Motor Vehicle Procurement."

By amending the topical index by adding the following immediately after the subject "Identical bids, reports":

Incentive contract clauses: 9-7.103-51, 9-7.203-58, 9-7.10.

By amending the topical index by correcting the spelling of the word "independent" in the subject

"independent government estimate of Architect-Engineer services" which references 9-4.1005-3.

By amending the topical index by removing the DOE-PR reference for the subject of "Nuclear Facility Safety, Applicability of Regulatory Licensing Requirements" of "9-7.704-26" and substituting therefore "9-50.704-26."

By amending the topical index by removing the "Renegotiation clause" and the DOE-PR references relating thereto.

[FR Doc. 81-13611 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-735

[ADM 7900.9]

Standards of Conduct; Changes to Procedures Regarding the GSA Standards of Conduct

AGENCY: Office of Ethics, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides revised procedures concerning GSA's Standards of Conduct. These changes are made to clarify procedures for managers and Deputy Standards of Conduct Counsellors implementing the standards.

EFFECTIVE DATE: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Saul Katz, Office of Ethics (202-566-1212).

PART 105-735—STANDARDS OF CONDUCT; CHANGES TO PROCEDURES REGARDING THE GSA STANDARDS OF CONDUCT

1. The table of contents for Part 105-735 is amended by revising three entries as follows:

Sec.	
105-735.106	Approval and publication of regulations.
105-735.205	Travel.
105-735.303	Identification of positions, the incumbents of which must file Statements of Employment and Financial Interests.

Subpart 105-735.1—General

2. Section 105-735.102 is amended by adding a new paragraph (d) and revising paragraphs (e) through (h) as follows:

§ 105-735.102 Definitions.

(d) "GSA contractor" is a person or entity that is engaged in or seeks

business or financial relations of any sort with any GSA component; or conducts operations or activities that are either regulated by a GSA component or significantly affected by GSA decisions; or has interests that may be substantially affected by the performance or nonperformance of the official duties of GSA personnel.

(e) "GSA personnel" means all GSA employees, including special Government employees.

(f) "Gratuity" means any gift, favor, entertainment, hospitality, transportation, loan, or any other tangible thing, and any intangible benefit (for example, discounts, passes, or promotional vendor training) given to or on behalf of GSA employees or their spouses, minor children, or households, for which fair market value is not paid by the recipient or the Government.

(g) "Standards of Conduct Counsellors" are defined in § 105-735.103(b).

(h) "Appropriate supervisor" means that supervisor within the chain of authority who is acquainted with the duties of the subordinate GSA personnel concerned and has the duty to determine the existence and effect of any conflict of interests of the personnel. This is usually the immediate supervisor of the GSA personnel concerned.

3. Section 105-735.103 is amended by revising paragraphs (a)(1), (a)(2), (a)(3), (b), and (d) and by adding paragraph (e) to read as follows:

§ 105-735.103 Responsibilities.

(a) * * *

(1) Heads of Services and Staff Offices and Regional Administrators are responsible for ensuring that (i) all GSA personnel under their supervision are familiar with and understand the standards of conduct and statutes governing conflicts of interest and post-Federal employment restrictions; (ii) all GSA personnel under their supervision are informed of and are familiar with the identity of their appropriate supervisor and their Deputy Standards of Conduct Counsellor; and (iii) disciplinary or remedial action is taken in the case of all GSA personnel who violate these standards or related laws and regulations, and against supervisors who fail to carry out their responsibilities in taking or recommending disciplinary or remedial action in such cases.

(2) Heads of Services and Staff Offices and Regional Administrators shall ensure that GSA personnel under their supervision are given a copy of this directive and an oral standards of conduct briefing following receipt. New GSA personnel shall also receive a copy

and a briefing preceding employment or promptly following assumption of duties. Each individual receiving this briefing shall attest in writing to attendance at the briefing, and that he or she has a copy of the standards of conduct and acknowledges the requirements imposed. All GSA personnel shall be provided with a briefing at least semiannually regarding these standards by Heads of Services and Staff Offices and Regional Administrators. All GSA personnel shall be provided with a copy of all revisions to the standards of conduct and be required to attest in writing to receiving and acknowledging their duty to comply with the standards of conduct.

(3) Heads of Services and Staff Offices and Regional Administrators shall bring the contents of this directive to the attention of the principal officer of each contractor doing significant business with GSA, and shall periodically use the opportunity afforded by conferences with representatives of industry and others transacting business with the GSA to direct attention to these standards of conduct regulations. Care shall be taken to avoid needless duplication of distribution of copies to contractors.

(b) The Special Counsel to the Administrator for Ethics is the Agency Standards of Conduct Counsellor, the Designated Agency Ethics Official, and the Director of the Office of Ethics. The Special Counsel is delegated authority to speak for the Administrator in all matters involving interpretation and application of the standards of conduct. Authority is also delegated to the Special Counsel to determine in individual cases that a specific financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the particular employee concerned.

(1) The Special Counsel to the Administrator for Ethics shall designate Deputy Standards of Conduct Counsellors. Those designated shall be responsible for providing advice and assistance to GSA personnel on all questions arising from the operation and implementation of this directive. They are also responsible for the proper review, including audits, coordination, and advice, regarding all standards of conduct problems, and shall ensure that posters identifying them as a Deputy Standards of Conduct Counsellor and stating their location are prominently displayed in appropriate locations.

(2) The Special Counsel to the Administrator for Ethics shall supervise the adequacy of the advice and training

in standards of conduct provided to all GSA personnel and shall be responsible for the timely collection and review of all Statements of Employment and Financial Interests, and of all Financial Disclosure Reports. In these matters the Deputy Standards of Conduct Counsellor shall be subject to the policy guidance and direction of the Special Counsel to the Administrator for Ethics.

(d) All GSA personnel are required to (1) be fully familiar with the standards of conduct covered in this directive and the laws governing conflicts of interest and postemployment restrictions; (2) comply strictly with them; and (3) maintain the highest standards of ethical conduct in transacting the Government's business. When in doubt as to the permissibility under this directive of any action on their part, they shall not act until they have received the advice of a Deputy Standards of Conduct Counsellor.

(e) Each Regional Council is responsible for auditing and ensuring that posters of the Code of Ethics for Government Service and posters notifying employees of the identity and telephone number of their Deputy Standards of Conduct Counsellors are at all times widely and prominently displayed throughout the region by those in GSA whose primary duty it is to mount and display the posters as required by law.

4. Section 105-735.106 is added to read as follows:

§ 105-735.106 Approval and publication of regulations.

The regulations in this part and any changes thereto are effective only after approval by the Office of Personnel Management and publication in the Federal Register.

Subpart 105-735.2—Standards of Conduct for GSA Personnel

5. Section 105-735.202 is amended by revising paragraphs (a), (b), (e)(2), (e)(3)(i), (e)(3)(iii), (e)(3)(vi), (e)(3)(x), (e)(3)(xi), (e)(4); and adding paragraph (e)(5) to read as follows:

§ 105-735.202 Business dealings on behalf of the Government.

(a) *The public trust.* Those who represent the Government in business dealings have positions of trust and grave responsibility that require them to observe the highest ethical standards. Practices that may be customary in the private business world are not necessarily acceptable for GSA personnel, who are held to a higher standard of public trust.

(b) *Dealing with Government personnel.* GSA personnel shall not knowingly deal on behalf of the Government with present or former Government personnel whose participation in the transaction would be in violation of a statute, regulation, or policy set forth in this directive.

(e) * * *
(2) Except as provided in paragraph (e)(3) of this section below GSA personnel and their spouses, minor children, and members of their households shall not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from or on behalf of a GSA contractor.

(3) * * *
(i) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate Deputy Standards of Conduct Counsellor;

(iii) Items available to the public generally, or a large segment of the public (such as university scholarships, attendance at free exhibitions of GSA contractors at public trade fairs and discounts);

(vi) Instances in which the interests of the Government are served by participation of a GSA employee in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, or professional associations for the discussion of matters of mutual interest. Participation in these events is permitted only when the host is the association and not a private company, and only when approved by the employee's supervisor as being a part of or related to official duties. Acceptance of gratuities, food, or refreshments from a private company in connection with such associations' activities is forbidden;

(x) Customary exchanges of gratuities between GSA personnel and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gratuity and where it is clear that the gratuity is not paid for by any person or entity described in § 105-735.102(d); and
(xi) Situations in which, in the sound judgment of the individual concerned or his or her superior, the Government's interest will be served by GSA personnel participating in activities

otherwise prohibited. In such a case, a written report of the circumstances shall be made by the individual or his or her appropriate superior before acceptance; or, when an advance report is not possible, within 48 hours after acceptance, to the appropriate supervisor and the appropriate Deputy Standards of Conduct Counsellor.

(4) GSA personnel who are offered or receive unsolicited gratuities (or have gratuities received for them) in circumstances not in conformance with the standards of this section, shall promptly report the circumstances to the appropriate supervisor for a determination as to proper disposition and shall report the matter fully to the Inspector General. The appropriate supervisor shall consult with a Deputy Standards of Conduct Counsellor.

(5) For rules governing acceptance of gifts from foreign governments, their agents, or instrumentalities, see GSA Order, Acceptance of gifts and decorations from foreign governments by GSA employees (OAD 7880.2). All gifts of more than "minimal value" (as defined in that directive) that are accepted by GSA employees shall be promptly reported.

6. Section 105-735.203 is revised as follows:

§ 105-735.203 Contributions.

GSA personnel shall not solicit contributions for a gift to an employee in a superior official position. A person in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself or herself. GSA personnel shall not make a donation as a gift to a person in a superior official position (5 U.S.C. 7351). These prohibitions do not apply to a voluntary gift of reasonable value (or a donation in a nominal amount) made on a special occasion such as marriage, illness, resignation, transfer, or retirement.

7. Section 105-735.204 is amended by revising paragraphs (a), (b)(2), (b)(12), and (c)(4) and reserving paragraph (b)(5) as follows:

§ 105-735.204 Outside employment.

(a) GSA personnel who propose to engage in outside employment shall report that fact in writing to their supervisor prior to accepting such employment, and shall supply such additional details concerning the nature of that employment as may be required by the supervisor (or a Deputy Standards of Conduct Counsellor) to assist in determining whether the employment is compatible with the full

and proper discharge of the employee's official duties. If the supervisor determines that the outside employment is prohibited by this section, the supervisor shall so advise the employee and inform the employee of the consequences of such employment. Deputy Standards of Conduct Counsellors are available to assist supervisors in making such determinations. Activities listed in subparagraph d, below, are exceptions to this rule and require no notification.

(b) * * *

(2) It would give rise to a real or apparent conflict of interest situation. For example, where it would involve work for any contractor or subcontractor for GSA (or any other employer) where that employer may be in a position to gain advantage in its dealings or potential dealings with the Government because of the employee's position.

(5) [Reserved]

(12) It involves the receipt of salary or anything of value from a private source as compensation for services to the Government (18 U.S.C. 209).

(c) * * *

(4) By Executive order the Administrator and Inspector General are prohibited from receiving compensation or anything of value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to responsibilities, programs, or operations of this agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

8. Section 105-735.205 is amended by retitling the section and revising it as follows:

§ 105-735.205 Travel.

(a) Acceptance of accommodations, subsistence, or services, furnished in kind, in connection with official travel from sources other than those indicated in § 105-735.202(e) above is authorized only when the individual is to be a speaker, panelist, project officer, or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as being in the overall Government interest.

(b) Except as indicated in § 105-735.202(a) above, GSA personnel may not accept personal reimbursement from any source for expenses incident to official travel, unless authorized by their

supervisor consistent with guidance provided by the appropriate Deputy Standards of Conduct Counsellor (pursuant to 5 U.S.C. 4111 or other authority). Rather, reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with applicable regulations.

(c) In no case shall GSA personnel accept, either in kind or for cash reimbursement, benefits which are extravagant or excessive in nature.

(d) When accommodations, subsistence, or services in kind are furnished to GSA personnel by non-U.S. Government sources, consistent with this subsection, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable.

9. Section 105-735.207 is revised as follows:

§ 105-735.207 Misuse of information.

For the purpose of furthering a private interest, GSA personnel shall not, except as provided in § 105-735.204(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with their GSA employment which has not been made available to the general public. Criminal penalties are imposed for disclosure of classified or confidential information.

10. Section 105-735.211 is revised as follows:

§ 105-735.211 Gambling, betting, and lotteries.

GSA personnel shall not participate, while on property owned or leased by the Government or while on duty for GSA, in any gambling activity, including the operation of a gambling device, participating in a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket, except as otherwise lawfully authorized.

11. Section 105-735.215 is amended by revising paragraph (c) as follows:

§ 105-735.215 Political activity.

(c) Advice on this subject is available from any GSA legal counsel.

12. Section 105-735.216 is revised as follows:

§ 105-735.216 Reporting suspected irregularities.

It is the obligation of GSA personnel to report immediately any apparent or suspected violation of a statute, order, regulation, or directive in connection with any operation of GSA. The report shall be made to the Assistant Inspector

General for Investigations in the Central Office or to the appropriate Special Agent in charge in the regions. When appropriate, the Office of the Inspector General shall report such apparent or suspected violations to the proper management official. GSA personnel shall cooperate with representatives conducting official investigations and furnish signed statements under oath if appropriate.

13. Section 105-735.218 is revised as follows:

§ 105-735.218 Purchase of real estate.

GSA personnel, whose official duties are in any way related to the acquisition or disposal of real estate or interests therein or to the maintenance or improvement of real estate, shall not, directly or indirectly, purchase any real estate or interest therein except for occupancy as their personal residence unless a full disclosure of the proposed transaction is made in writing to the appropriate supervisor who shall consult with the Special Counsel to the Administrator for Ethics (regional counsel in a region), and the prior written approval of the appropriate supervisor is obtained. A copy of the approval shall be promptly furnished by the supervisor to the Special Counsel to the Administrator for Ethics. Surplus real property may not be purchased under any circumstances. (See § 105-735.217.)

14. Section 105-735.219 is revised as follows:

§ 105-735.219 Use of intoxicants.

GSA personnel shall not use intoxicants habitually to excess (5 U.S.C. 7352). GSA personnel shall not use intoxicants on U.S. Government-owned or leased premises except upon occasions and on property as to which the Administrator or Regional Administrator has granted an exception in writing or, in the case of property occupied by another agency, except as authorized by the head of that agency in accordance with law.

Subpart 105-735.3—Statements of Employment and Financial Interests

15. Section 105-735.301 is revised as follows:

§ 105-735.301 General.

Employees and special Government employees in specified positions (other than those required to file Financial Disclosure Reports on Standard Form 278) are required to file statements of employment and financial interests. GSA Form 2157, Statement of Employment and Financial Interests, is

for use by all GSA employees except special Government employees; GSA Form 2158 is for use by special Government employees of GSA.

16. Section 105-735.302 is amended to revise the introductory paragraph and paragraph (e) as follows:

§ 105-735.302 Criteria for selection of positions subject to filing requirement.

The following criteria govern selection of positions subject to the requirement of filing Statements of Employment and Financial Interests. Personnel designated to file Financial Disclosure Reports (Standard Form 278) are not subject to this requirement.

(e) With respect to special Government employees, a statement of employment and financial interests is required whenever any special Government employee is to be hired as a consultant or expert. All those who are to be appointed experts and consultants are first required to file Statements of Employment and Financial Interests (see ADM 2800.12A).

Such statements shall be reviewed as required in Subpart 105-735.3 of this directive before a decision is made to hire the individual as a special Government employee.

17. Section 105-735.303 is amended to revise the title, paragraphs (a), (d), and (e) as follows:

§ 105-735.303 Identification of positions, the incumbents of which must file Statements of Employment and Financial Interests.

(a) Heads of Central Office and Regional Office Services and Staff Offices shall annually review all GS-13 through 15 position descriptions under their cognizance and no later than March 15 of each year submit a recommendation to the Special Counsel to the Administrator for Ethics (through the regional counsel in the regions) identifying any specific changes in the list of positions that should be designated as requiring the incumbent to submit Statements of Employment and Financial Interests. The Assistant Administrator for Human Resources and Organization or the Assistant Regional Administrator for Administration will recommend any positions not in a service or staff office; for example, those in the Administrator's or Regional Administrator's immediate office.

(d) When a new position is established, or the duties of an existing position are materially changed, the position shall be evaluated to determine whether or not it should be designated as one requiring the incumbent to

submit a Statement of Employment and Financial Interests.

(e) New positions that qualify under the specified criteria shall be promptly processed in the manner provided in (a), (b), and (c) above, so that the required statement may be submitted not later than 30 days after the employee's entrance on duty in the new position or the changed position.

18. Section 105-735.305 is revised as follows:

§ 105-735.305 Interests of relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. Such interest includes but is not limited to identification of the individual's employer, financial holdings, and debts. For the purpose of this section, "member of an employee's immediate household" includes those blood relations who are residents of the employee's household and excludes in-laws. These provisions also apply to special Government employees.

19. Section 105-735.311 is revised as follows:

§ 105-735.311 Responsibility for review of statements.

(a) The appropriate supervisor as defined in § 105-735.102(g), above, is responsible for receiving and promptly reviewing all Statements of Employment and Financial Interests submitted by subordinate employees, and for promptly placing his or her comments thereon, dating and signing them, and forwarding them to the Deputy Standards of Conduct Counsellor for further review. The Deputy Standards of Conduct Counsellor shall record comments on the statement, recommending action where appropriate to resolve any conflict of interests, real or potential, revealed by the statement. If both the appropriate supervisor and Deputy Standards of Conduct Counsellor concur that no conflict or apparent conflict exists, the Deputy Standards of Conduct Counsellor shall endorse the statement accordingly and return it to the appropriate supervisor for retention.

(b) If in the opinion of the Deputy Standards of Conduct Counsellor a conflict or potential conflict is revealed by the statement, that fact shall be noted in the appropriate comment section; and the Deputy Standards of Conduct Counsellor and the appropriate supervisor shall immediately institute necessary action to resolve the conflict. The Deputy Standards of Conduct Counsellor shall promptly return the statement to the appropriate supervisor

for retention after completion of review, and after any action necessary to remove any real or potential conflict of interests.

(c) When controversy over means of resolution cannot be promptly resolved, the matter shall be referred to the Head of Service, Staff Office or Regional Administrator, as appropriate, for decision. See § 105-735.312 for procedures to resolve conflicts. When the matter is finally resolved, all relevant papers shall be returned with the statement to the appropriate supervisor for retention. All appropriate supervisors are delegated the responsibility to safeguard and retain in lockable metal cabinets the Statements of Employment and Financial Interests of their subordinate employees in accordance with the Privacy Act of 1974, as amended.

(d) All Statements of Employment and Financial Interests must be reviewed by August 31 of each year. Resolution of any remaining real or potential conflict of interests must be completed as soon as possible after August 31 but no later than September 30 of each year. A statistical report from each Deputy Standards of Conduct Counsellor responsible for reviewing Statements of Employment and Financial Interests shall be submitted to the Special Counsel to the Administrator for Ethics not later than September 15 of each year. The statistical report shall indicate the number of statements required, the number of statements received, and the results and status of the review of the statements, including but not limited to the number of statements approved and those awaiting final resolution. In matters that are unresolved, a brief presentation of the problem and the proposed disposition shall be stated.

20. Section 105-735.312 is revised as follows:

§ 105-735.312 Resolving conflicts of interest.

(a) When in the review of a Statement of Employment and Financial Interests, the appropriate supervisor or a Deputy Standards of Conduct Counsellor has reason to believe that a possible conflict of interests exists, or more information on which to make a judgment is required, the submitter shall be offered an opportunity to provide additional information or to furnish any explanation deemed pertinent. This information must be documented for the file and incorporated into the statement.

(b) When, after consideration of the matters offered, a determination is made that a conflict or potential conflict of interests exists, an effort shall be made

by the appropriate supervisor, in consultation with the Deputy Standards of Conduct Counsellor and the individual submitter, to resolve the conflict in a manner that is mutually acceptable. When it cannot be satisfactorily resolved at the regional level or by the Head of Service or Staff Office, as appropriate, the Deputy Standards of Conduct Counsellor shall consult the Special Counsel to the Administrator for Ethics.

(c) If all of the above efforts of the Deputy Standards of Conduct Counsellor are unsuccessful in resolving a conflict or potential conflict by decision of the Head of Service, Staff Office or Regional Administrator, as appropriate, the case will be referred to the Special Counsel to the Administrator for Ethics for final resolution by the Administrator.

(d) Remedial action directed by the Administrator may include but is not limited to one or more of the following:

- (1) Disqualification for a particular assignment;
- (2) Change in assigned duties, or termination of employment;
- (3) Divestment by the employee or special Government employee of the conflicting interests;
- (4) Establishment of a blind trust; and
- (5) Disciplinary action, including removal.

21. Section 105-735.314 is revised as follows:

§ 105-735.314 Inconsequential financial interests.

Financial interests of the following type are deemed too remote or too inconsequential to affect the integrity of the employee's service and need not be reported: Investments in Federal, State, or local government bonds and notes; and investments in shares of a widely diversified mutual fund or regulated investment company.

Subpart 105-735.4—Financial Disclosure Report

22. Section 105-735.401 is revised as follows:

§ 105-735.401 - General.

The Ethics in Government Act of 1978, as amended (the Act), requires that GSA personnel in specified positions file periodic Financial Disclosure Reports. For these individuals, this requirement is in lieu of the Statement of Employment and Financial Interests required by Executive order. Standard Form 278 shall be used by employees filing annual reports, termination of employment reports, and by employees required to file assumption of duty reports.

23. Section 105-735.404 is revised as follows:

§ 105-735.404 When to file.

(a) The individual shall file a Financial Disclosure Report within 30 calendar days of assuming a position described in Title II of the Act, unless the individual has left another position described in Title II within 30 days prior to assuming the new position. Individuals coming to a position in GSA described in Title II of the Act from a similar position in another agency shall furnish a copy of their last report filed with the former agency to the Special Counsel to the Administrator for Ethics through their appropriate supervisor.

(b) The individual shall file a Financial Disclosure Report within 30 calendar days of terminating employment in a position requiring the incumbent to submit a Financial Disclosure Report.

(c) The individual shall file a Financial Disclosure Report no later than May 15 of each calendar year, if the employee occupied a position described in Title II of the Act during the preceding calendar year and performed those duties for more than 60 days in that year.

24. Section 105-735.405 is revised as follows:

§ 105-735.405 Where to file.

Reports shall be filed with the Special Counsel to the Administrator for Ethics through the individual's appropriate supervisor, who shall first review it and record the required endorsement in the "Comments" section as stated in § 105-735.407.

25. Section 105-735.407 is amended to revise paragraphs (a), (c), (d) and (e) as follows:

§ 105-735.407 Review of reports.

(a) A reporting individual shall submit the report to his or her appropriate supervisor for review. The appropriate supervisor shall, within ten days of receipt, make a signed and dated statement in the "Comments" section of the report, stating whether or not the report reveals a conflict or the appearance of a conflict with the employee's official duties, and shall immediately forward the report to the Special Counsel to the Administrator for Ethics by the most expeditious means, meanwhile taking action to avoid the reporting individual's participation in matters involving a conflict or apparent conflict.

(c) If the Special Counsel concludes that the reporting individual is in compliance with applicable laws or

regulations, that finding shall be entered on the report, the report signed and dated, and the reporting individual duly notified in writing.

(d) If the Special Counsel believes that additional information is required, the reporting individual shall be informed of the information required and the time by which it must be submitted.

(e) If, on the basis of the information provided, the Special Counsel concludes that a reporting individual is not in compliance with applicable laws and regulations, the reporting individual and his or her appropriate supervisor shall be so notified. The reporting individual shall be afforded a reasonable opportunity for a written or oral response. After consideration of the response, the Special Counsel shall reach an opinion as to whether or not the individual is in compliance.

26. Section 105-735.408 is amended to revise paragraph (a) as follows:

§ 105-735.408 Procedures for resolving noncompliance.

(a) If, after opportunity for an oral or written response, the Special Counsel to the Administrator for Ethics concludes the individual is not in compliance, the Special Counsel shall notify the individual and, after an opportunity for personal consultation (if practicable), notify the reporting individual in writing of the steps by the employee considered appropriate for assuring compliance and the date by which those steps should be taken. Steps may include: (1) divestiture; (2) restitution; (3) establishment of a qualified trust; (4) request for an exemption under section 208(b) of Title 18, U.S.C.; (5) voluntary request for transfer, reassignment, limitation of duties, or resignation. (See § 105-735.202(d)(4) above.)

27. Section 105-735.410 is revised as follows:

§ 105-735.410 Public access and copying.

Financial Disclosure Reports are available for public inspection and copying in accordance with the Act. Financial Disclosure Reports are filed in GSA's Office of Ethics, 18th & F Streets, N.W., Washington, D.C. 20405.

Subpart 105-735.5—Miscellaneous Statutory Provisions

27. Section 105-735.501 is amended to revise paragraph (d) as follows:

§ 105-735.501 Summary of pertinent conflict of interest laws.

(d) 18 U.S.C. 209. Paragraph (a) prevents executive branch personnel from receiving, and anyone from paying them, any salary or supplementation of salary from a private source as compensation for their Government service. Paragraph (b) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Paragraph (c) exempts special Government employees and anyone serving the Government without compensation. Paragraph (d) exempts contributions, awards, or other expenses under the Government Employees Training Act (5 U.S.C. 2301-2319).

29. Section 105-735.502 is amended to revise paragraph (t) as follows:

§ 105-735.502 Laws applicable to GSA personnel.

(t) Acceptance, without the consent of the Congress, of any present, employment, office or title, of any kind whatever, from any king, prince, or foreign state by a person holding any office of profit or in trust of the Federal Government. (Art. 1, Sec. 9, U.S. Constitution, and Public Law 95-105, Foreign Gifts and Decorations Act of 1966, as amended). (See 5 U.S.C. 7342) and the current issuance of GSA Order. Acceptance of gifts and decorations from foreign governments by GSA employees (OAD 7880.2).

30. Section 105-735.503 is amended to revise the introductory paragraph, paragraphs (a)(1), (a)(2), (a)(3), (a)(5), and (a)(8), and to add paragraph (b) as follows:

§ 105-735.503 Code of ethics for Government service.

All GSA personnel shall adhere to the Code of Ethics for Government Service (Public Law 96-303, unanimously passed by the Congress of the United States on June 27, 1980, and signed into law by the President on July 3, 1980). Copies of the code shall be prominently posted throughout offices and other spaces as required by regulations of the Public Buildings Service implementing Public Law 96-303. The code provides:

(a) * * *

(1) Put loyalty to the highest moral principles and country above loyalty to persons, party, or Government department.

(2) Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

(3) Give a full day's labor for a full day's pay, giving earnest effort and best thought to the performance of duties.

(5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

(8) Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

(b) [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); E.O. 11222, 3 CFR 1965 Supp.; 5 CFR 735.104)

Dated: April 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13565 Filed 5-5-81; 8:45 am]

BILLING CODE 6820-34-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Revised Service Order No. 1495]

Burlington Northern Inc., Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes the Burlington Northern to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation. **EFFECTIVE DATE:** 12:01 a.m., May 2, 1981, and continuing in effect until 11:59 p.m., July 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: April 30, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI), and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits Burlington Northern Inc. (BN) to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised to reflect the current operations of BN, as requested by the carrier. Specifically, the authority for interim service between Stratton and Seibert, Colorado is deleted. Items D and E have been combined, and Item F is redesignated as Item E.

It is the opinion of the Commission that an emergency exists requiring that the BN, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1495 Service Order No. 1495.

(a) *Burlington Northern Inc. authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee).* Burlington Northern Inc. (BN) is authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96-254.

(1) The authority contained in Item 1.(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 397.8 to 429.3), is conditioned upon the

assumption by Burlington Northern Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) BN, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, or transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operator described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the

Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carrier providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., May 2, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96-254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13008 Filed 5-5-81; 8:48 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

[Amdt. No. 3 to Service Order No. 1493]

Escanaba and Lake Superior Railroad Company Authorized to Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Service Order No. 1493.

SUMMARY: Amendment No. 3 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on

compensation and that he concurs with this extension.

DATES: Effective 11:59 p.m., April 29, 1981, and continuing in effect until 11:59 p.m., June 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: April 28, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896 and 19822), and good cause appearing therefor:

§ 1033.1493 [Amended]

It is ordered, § 1033.1493 Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor (Richard B. Ogilvie, Trustee), Service Order No. 1493 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended to permit an additional (60) sixty days for the Escanaba and Lake Superior Railroad Company to undertake compensation negotiations, and shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 29, 1981.

This action is taken under the authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13010 Filed 5-5-81; 8:48 am]
BILLING CODE 7035-01-M

49 CFR Part 1033

[Eighteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Eighteenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

DATES: Effective: 12:01 a.m., May 2, 1981, and continuing in effect until 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: April 30, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

The Trustee will be requested to furnish the RSB with a status report, prior to expiration of this order, which will be given due consideration with respect to any extension of this order.

Appendix A, to the previous order, is revised by granting additional authority to The LaSalle and Bureau County Railroad Company in Item 21c for interim operations from Gresham to South Chicago, at Chicago, Illinois.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1495.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96-254.

(1) The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3), is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were

commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or

arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., May 2, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96-254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien, Joel E. Burns not participating.

Agatha L. Mergenovich,
Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. Louisiana and Arkansas Railway Company (L&A)

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. Peoria and Pekin Union Railway Company (P&PU)

All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. Union Pacific Railroad Company (UP)

- A. Beatrice, Nebraska.
- B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.
- C. Limon, Colorado.

4. Toledo, Peoria and Western Railroad Company (TP&W)

- A. Keokuk, Iowa.
- B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. Fort Worth and Denver Railway Company (FW&D)

- A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.
- B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

6. Chicago and North Western Transportation Company (CSNW)

- A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.
- B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).
- C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.
- D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).
- E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).
- F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).
- G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).
- H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).
- I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).
- J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).
- K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).
- L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).
- M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).
- N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.
- O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).
- P. Sibley, Iowa.
- Q. Worthington, Minnesota.
- R. Altoona to Pella, Iowa.
- S. Carlisle, Indianola, Iowa.
- T. Omaha, Nebraska (between milepost 502 to milepost 504).
- U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).

7. Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee)

- A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.
- B. Washington, Iowa.
- C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.
- D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

8. Davenport, Rock Island and North Western Railway Company (DRI)

- A. Moline, Illinois.
- B. Rock Island, Illinois, including 26th Street yard.
- C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.
- D. From East Moline to Silvis, Illinois.
- E. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

9. Illinois Central Gulf Railroad Company (ICG)

Ruston, Louisiana.

10. St. Louis Southwestern Railway Company (SSW)

- A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.
- B. At North Topeka and Topeka, Kansas.

11. Little Rock & Western Railway Company

From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

12. Missouri Pacific Railroad Company

From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

13. Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks), Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the

Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

14. The Denver and Rio Grande Western Railroad Company

A. From Colorado Springs (milepost 809.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 802.8), all in the vicinity of Colorado Springs, Colorado.

15. Norfolk and Western Railway Company

Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

16. Southern Railway Company

A. At Memphis, Tennessee.

17. Cadillac and Lake City Railroad

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

18. Baltimore and Ohio Railroad Company

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

19. Cedar Rapids and Iowa City Railway Company (CIC)

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles,

terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

20. Keota Washington Transportation Company

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

21. The La Salle and Bureau County Railroad Company

A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.8) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

†C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.

22. Fordyce and Princeton Railroad Company (FP)

A. From Fordyce to Crossett, Arkansas, which includes assumption of RI's trackage rights over the Ashley, Drew and Northern Railway Company between Whitlow Junction and Crossett, Arkansas.

23. The Atchison, Topeka and Santa Fe Railway Company

A. At Alva, Oklahoma.

[FR Doc. 81-13009 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 33)]

Seattle, Wash., Commercial Zone; Petition to Redefine and Extend

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By petition filed September 29, 1980, the Port of Bremerton seeks redefinition and extension of the Seattle, Wash., commercial zone limits which have been defined individually as set forth in 49 CFR 1048.9. Petitioner proposes to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include the 1800 acre site jointly occupied by the Olympic View Industrial Park and the Bremerton-Kitsap County Airport. The present zone includes all points within 15 miles of Seattle and portions of King and Snohomish Counties. No statements in opposition to the petition were filed.

† Added.

The regulation set forth below is promulgated pursuant to the Commission's action on the evidence.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT: David M. Layton (202) 275-7989

or

Edward E. Guthrie (202) 275-7691.

Accordingly, Title 49 CFR 1048, Commercial Zones, Chapter X, is amended by revising § 1048.9(c) to read as follows:

§ 1048.9 Seattle, Washington.

(c) Those points in King County, Wash., which are not within the area described in paragraph (b) of this section, and which are west of a line beginning at the intersection of the line described in paragraph (b) of this section and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction Washington Highway 203, thence northerly along Washington Highway 203 to the King County line; and those points in Snohomish County, Wash., which are not within the area described in paragraph (b) of this section and which are west of Washington Highway 9; and those points in Kitsap County, Wash., which are not within the area described in paragraph (b) of this section lying within the area bounded by a line beginning at the intersection of the line described in paragraph (b) of this section and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/ Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in paragraph (b) of this section.

This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

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

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13062 Filed 5-5-81; 6:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 46, No. 87

Wednesday, May 6, 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 ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-81-04]

Tertiary Incentive Program

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) is proposing to rescind the Tertiary Incentive Program ("incentive program") in the crude oil price regulations with respect to any allowed expenses incurred or paid after March 18, 1981. In addition, ERA is proposing to rescind the incentive program with respect to any in-house expenses incurred or paid after January 4, 1981, and with respect to any prepaid allowed expenses incurred or paid after January 27, 1981.

These proposals are in response to problems described herein that ERA believes have developed or were inherent in the incentive program. ERA believes that adoption of these proposals would eliminate the abuses that may have occurred under the program without undermining the purposes of the program.

DATES: Proposed effective dates: January 5, 1981, January 28, 1981, March 19, 1981, and the date of adoption of the final rule. Comments by 4:30 p.m., June 5, 1981. Requests to speak at hearing by May 12, 1981, 4:30 p.m.; Hearing date: May 19, 1981 9:30 a.m.

ADDRESSES: Comments and requests to speak at hearing to: Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-81-04, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461. Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William Funk or Ben McRae (Office of General Counsel), U.S. Department of Energy, Room 6A-099 (GC-12), 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6739 (McRae);

Lorrain Hall (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3984;

Jack Vandenburg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Proposal
- IV. Comment Procedures
- V. Procedural Matters

I. Background

As part of the phased deregulation of crude oil and in order to provide incentives to increase domestic crude oil production, ERA adopted the incentive program to provide producers with front-end financing for enhanced oil recovery ("EOR") projects. (44 FR 51148, August 30, 1979) The incentive program provides front-end financing by permitting a producer to certify lower and upper tier crude oil as tertiary incentive crude oil and, as a result of such certification, to receive the market price instead of the otherwise applicable ceiling price. Prior to this, producers were permitted to sell "incremental" tertiary production at market prices. A producer may certify sufficient crude oil as tertiary incentive crude oil to enable it to receive additional revenue in order to recover seventy-five percent of certain EOR related expenses that it has incurred, paid, and reported to DOE at the time of the certification.

Since the issuance of the President's decontrol Executive Order (E.O. 12287, 46 FR 9909, January 30, 1981), there has been a substantial increase in the recoverable expenses incurred and paid under the incentive program. We have been informed that many of these expenses represent prepayments for goods and services to be received after September 1981 and that, in several instances, these prepayments have been made to an affiliated entity. Producers have used these expenses to support the certification of significantly larger

amounts of tertiary incentive crude oil with respect to the months of November and December 1980 and January 1981 than with respect to prior months.

The certifications as uncontrolled oil, of what otherwise would have been price-controlled oil, affect the calculations under the Entitlements Program. That is, as the volume of price-controlled oil decreases, so does the "national domestic crude oil supply ratio" (DOSR), see 10 CFR 211.62, when the DOSR decreases, the "runs credit" (the fractional entitlement in terms of dollars received by each refiner for running a barrel of crude oil) likewise decreases. Thus, the large volume of crude oil recertified in November-January as a result of the tertiary program has greatly diminished the runs credit receivable by all refiners. Moreover, because of the greatly diminished runs credit, some refiners that historically have been entitlements "sellers" became entitlements "purchasers" for the month of December, notwithstanding the fact that their particular crude receipts and runs did not significantly change from prior months. Refiners without their own tertiary projects, consequently, have complained about the tertiary program.¹

Various legal arguments have been made by these refiners as to why the tertiary program should have ended on January 28, 1981.² For example, several firms have asserted that the decontrol Executive Order created a legal prohibition against continuation of the incentive program with respect to

¹In some cases refiners with tertiary projects have also complained about the tertiary program. In these cases, the amount of money lost to the refiner by the reduced runs credit probably exceeds the amount of money obtained by the refiner through recertification of its own oil under the tertiary program.

²These legal arguments for the most part have been raised in lawsuits filed against DOE. As described below, we do not agree with these legal arguments. While this rulemaking obviously reflects our tentative view that aspects of the tertiary program should be rescinded, in some cases retroactive to January 1981, this is a policy decision arising from reconsideration of the program generally, as well as the practical impacts of decontrol. We continue to believe and assert in court that the tertiary program was not as a matter of law immediately terminated by the President's Executive Order exempting crude oil from price controls. Indeed, the policy concerns expressed in this notice with respect to the tertiary program for the most part were inherent in the tertiary regulations themselves and would likely have arisen in the absence of the Executive Order.

expenses that were not incurred and paid prior to the issuance of the Executive Order. Other firms have asserted that continuation of the incentive program with respect to allowed expenses that were not incurred and paid prior to the issuance of the decontrol Executive Order is contrary to the original intent of the incentive program. Many firms have also claimed that it is inequitable to require refiners to support the incentive program through the Entitlements Program. We do not agree with these claims to the extent that they are made to stand for the proposition that the tertiary program expired or became unlawful on January 28, 1981, or any earlier date. Our responses to these claims have been set forth in great detail in the various legal proceedings with respect to the validity and operation of the incentive program.

II. Discussion

On March 17, 1981 (46 FR 17566, Mar. 19, 1981) we issued an advance notice of proposed rulemaking announcing that we would propose to rescind the tertiary program with respect to allowed expenses that had not been incurred and paid prior to March 19, 1981. We issued this advance notice in order to inform producers that they could not rely on the incentive program after March 18, 1981. We were moved to this action by our belief that continuation of the tertiary incentive program beyond March 19, 1981, would not meaningfully increase the production of crude oil, but would likely result in large amounts of funds expended on behalf of future production being subsidized by refiners through recertification of previously sold price-controlled crude oil.

In deciding to issue the advance notice, as well as to propose the other actions in today's notice, we have been mindful of the incentive program's positive contributions to increased domestic oil production. Since the program's adoption in August 1979 there has been a great increase in EOR activity, much of which can be attributed to the incentive program's providing producers with the funds to finance expenses related to EOR activities that otherwise would not have been undertaken or would have been undertaken at a much later date. However, many of the expenses that have been incurred and paid in recent months appear to relate to EOR activities that may have been undertaken on the same time schedule, without regard to the incentive program. On balance, we believe that the costs that would be incurred by refiners either directly through payments for recertifications or indirectly through the

Entitlements Program as a result of oil certified as incentive crude oil based on such expenses outweigh whatever benefit that might occur if the program were to continue without modification through March 31, 1981, the date on which the program would automatically expire.³

Subsequent to our advance notice of proposed rulemaking, Union Oil Company filed a petition for rulemaking asking that we further rescind tertiary program back to January 28, 1981.⁴ In addition, DOE has been requested to suspend the effective date of the tertiary incentive amendments adopted on January 5, 1981, 46 FR 1246 (January 5, 1981).⁵ These amendments related to "in-house" expenses. After considering these comments, as well as the concerns of refiners that led us to issue the advance notice, we decided that today's notice should contain two proposals in addition to that of the advance notice.

The adoption on January 5, 1981, of an amendment to the incentive program allowing firms to treat "in-house" expenses as "allowed expenses" under the program, *see* 46 FR 1246, creates a situation that we feel could be abused. That situation arises where the otherwise price-controlled oil that is certified as tertiary incentive oil is owned and produced by the refiner itself and the "allowed expenses" are "in-house" expenses.⁶ In this situation, the tertiary financial transactions are generally all within the same firm (e.g., the producing affiliate pays for expenses to the refining affiliate and the refining affiliate pays the increased crude oil costs from certification of tertiary incentive oil to the producing affiliate), resulting generally in a "wash" within the firm as a whole.⁷ By reducing its

however, the refiner receives a benefit under the Entitlements Program. This can result in a positive cash flow to the firm as a whole.⁸

This result, however, does not in any way derive from Executive Order No. 12287, exempting crude oil from price controls. The ability of integrated refiners to receive a positive cash flow from the Entitlements Program in conjunction with the tertiary program and the ability of producers to receive a positive cash flow under the tertiary program derive from the provisions for "in-house" expenses adopted on January 5, 1981.

A separate issue is that of "prepaid" expenses.⁹ The tertiary program regulations have not distinguished between expenses that are paid for items already delivered or used and those that are paid for items to be delivered and for use in the future. *See* Interpretation 1981-11, *Sun Oil Co.*, March 26, 1981. Thus, producers have been able under the regulations to pay for items that might not be delivered or used until substantially later. Under the program, while producers must pay the entire allowed expenses, generally they are out-of-pocket only 25 percent of their expenses inasmuch as they are allowed to receive tertiary incentive revenue to recover the remaining 75 percent. After the program, however, producers would be out-of-pocket for 100 percent of their expenses. Thus, the real cost to producers of tertiary expenses, if they could be incurred, paid, and reported to DOE before the end of the program, would be reduced by 75 percent up to a maximum of \$20 million per property on which a project is located. This obviously created a substantial incentive to undertake tertiary projects that in the absence of the program would not have been undertaken at all or that would not have been undertaken until much later—thereby furthering the purpose of the program. It also, however, created a powerful incentive *merely to pay expenses* before the end of the program, even where the recoupment of 75 percent of those expenses under the program was not

³In reaching this conclusion, as well as in making this proposal, we do not intend in any way to suggest that continuation of the Windfall Profit Tax tertiary exemption for independent producers and the tertiary credit for integrated producers should not continue. That issue, which is a matter subject to the jurisdiction of the Department of Treasury, not the Department of Energy, depends on the interpretation, intent, and construction of the Windfall Profit Tax itself, and should not be related to the policy and factual issues involved in this rulemaking.

⁴See Appendix A.

⁵See Appendix B. On February 27, 1981, DOE had already published a Notice of Intent announcing that we intended to review a number of regulations published in the last month of the previous Administration. The January 5 amendments were included in the list of regulations to be reviewed. See 46 FR 14339, (February 27, 1981).

⁶We recognize that it is possible some firms might be disadvantaged in that they might have contracted for goods and services outside of the firm if they had known that this rule might have been changed.

⁷The firm as a whole may incur some extra-firm expenses, such as increased severance and windfall profits taxes.

⁸It should be noted that producers that are not refiners can also receive a positive cash flow by "paying" in-house expenses and then certifying otherwise price-controlled oil as tertiary oil and receiving market prices for it. The difference, however, is that the cash flow does not result from benefits under the Entitlements Program, but from the sale of the oil to an unaffiliated purchaser.

⁹For purposes of the tertiary program, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

necessary to justify undertaking the project and would not expedite the project. Thus, we believe, some producers have been paying for items for subsequent delivery, in some cases years in the future, in a manner that is extraordinary in the industry, merely to bring these expenses under the program.¹⁰ Where recoupment of allowed expenses under the program does not meaningfully affect decisions to undertake or continue projects or does not expedite the production of tertiary oil, we believe such recoupment does not further the purposes of the program.

III. Proposals

First, after considering all the information available to us, we have decided to propose that the incentive program be rescinded with respect to all allowed expenses that were not incurred and paid prior to March 19, 1981. This is consistent with our advance notice of proposed rulemaking and the reasons explained above and in that notice.

Second, we also have decided to propose to rescind the tertiary program with respect to all prepaid allowed expenses that were not incurred and paid prior to January 28, 1981. This is in response to our concerns and those of many refiners that the vast majority of these prepaid expenses have been paid since that date solely to achieve the benefits of the program, would not otherwise have been prepaid, and were not necessary to make the particular EOR project viable. Moreover, we believe that the contracts with respect to prepaid expenses are likely to be executory in nature or that the allowed expenses claimed were paid as deposits and that, in most instances, the contracts could be rescinded on the basis of a change in circumstances, such as the proposed change in the incentive program, and the money paid be returned. Finally, we believe that elimination of these prepaid expenses as of January 28 would not interfere with the proper purposes of the tertiary incentive program and would not affect future tertiary production.

We are also proposing to rescind the incentive program with respect to in-house expenses. As noted above, on January 5, 1981, we amended that definition to permit the recovery of "in-house" expenses. (46 FR 1246, January 5, 1981). A primary reason for this change was to permit all firms to participate in the incentive program on the same basis, regardless of how a firm was

structured, since we believed that the legal formalities of a firm's corporate structure should not require it to engage in inefficient transactions for purposes of the incentive program. However, the practical results of allowing in-house expenses between affiliated entities appears to have distorted substantially ordinary business practices with respect to tertiary projects, just the opposite of what was intended. Moreover, at the time that we adopted this change we expressed our concern that in-house expenses should not be based solely on accounting entries involving affiliated entities. See 46 FR 1246 (January 5, 1981). We are concerned that in fact little more than such accounting entries may have been used to justify in-house expenses, and that our inability to audit all firms invites abuse.

We recognize that all of these proposed amendments are retroactive in nature. Generally, it is inappropriate for an agency to change regulations upon which persons have relied when that change is to their detriment. With respect to the first proposal to rescind the program for expenses incurred or paid after March 18, because of our advance notice, we do not believe that producers should have relied on the regulatory provisions with respect to expenses not incurred and paid before March 19, 1981. With respect to the second proposal to disallow all prepaid expenses not incurred and paid prior to January 28, it is our tentative belief that monies expended for prepaid expenses can be recovered so that firms will not be disadvantaged by this retroactive rule. (See Appendix A.) In appropriate cases, exception relief from the Office of Hearings and Appeals may also be appropriate under traditional standards. With respect to the third proposal to disallow all in-house expenses, because the expenses are between affiliates of the same firm, we likewise believe any commitments can be undone. Again, in appropriate cases exception relief might be available.

Finally, we are proposing that, during the two week period immediately following the adoption of any of the proposals, producers would be required to recertify any crude oil that they previously certified as tertiary incentive crude oil, if affected by these proposals. Any reseller that received such a recertification would have to provide an appropriate recertification to the purchaser of the affected crude oil within ten working days. This mechanism is necessary to permit sellers and purchasers of tertiary incentive crude oil to adjust their

positions to reflect the modifications to the incentive program.

We seek comments on these proposals from all parties affected by the incentive program, and especially from those producers that have paid expenses after January 5, 1981. Producers should discuss the extent and nature of the expenses paid, the nature of the transactions in which the expenses were paid, and the degree of reliance injury that the producer would experience because it relied on the existing regulation and the extent to which contracts for in-house or prepaid expenses would be able to be set aside if the proposals were adopted. We also solicit any other proposals that would address the concerns identified in this notice.

In preparing comments on the proposals in this notice, interested parties should be aware that DOE will consider the impact of each proposal on small entities and may decide to adopt any or all of these proposals with an exemption for small entities. (See 5 U.S.C. 601(6)). This is particularly true with respect to prepaid expenses and in-house expenses of which we believe large integrated refiners have maximized the use. Moreover, large integrated refiners have the least need for front-end financing for tertiary projects, given their available capital and ability to obtain loans. Accordingly, each proposal should be considered as if it contained an option that excluded small entities.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this notice of proposed rulemaking. All comments should be submitted by 4:30 p.m., e.d.t., of the day specified in the "DATES" section, to the appropriate address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Tertiary Incentive Program," Docket No. ERA-R-81-04. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one

¹⁰When the prepaid expenses are in-house expenses, the positive cash flow described above can be substantial.

copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for requests to make oral presentations.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections of the preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., May 14, 1981. You are requested to make 100 copies of your statement available in Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, by 4:30 p.m., May 18, 1981.

2. *Conduct of the hearing.* We reserve the right to select the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak by 4:30 p.m., May 18, 1981. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

V. Procedural Matters

A. *Executive Order No. 12291.* Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director of those regulations issued to implement Executive Order No. 12287. The request was granted.

B. *Section 7 of the FEA Act.* As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended) a draft copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for comments concerning the impact of this proposal on the quality of the environment. The EPA Administrator indicated that he had no comments at this time.

C. *Section 102 of the NEPA.* The DOE has determined that this regulation, as proposed, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement for this proposal is not required under 10 CFR Part 208.

D. *Section 404 of the DOE Act.* Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95-91), we have referred this proposed rule, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction.

E. *Regulatory Flexibility Act.* These proposals, if adopted, could negatively impact many firms that are "small entities" within the meaning of the Regulatory Flexibility Act. DOE is waiving the requirement of section 603

of the Regulatory Flexibility Act that it publish an initial regulatory flexibility analysis since any delay in this rulemaking proceeding will heighten the uncertainty surrounding the incentive program. In the event that DOE adopts any of these proposals, it will comply with the requirements of the Regulatory Flexibility Act.¹¹

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46287)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended, as set forth below.

Issued in Washington, D.C., April 28, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

§ 212.78 [Amended]

1. Effective for the period of January 5, 1981 through January 27, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

* * * * *

(c) * * *

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value.

§ 212.78 [Amended]

2. Effective for the period of January 28, 1981 through March 18, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

* * * * *

(c) * * *

¹¹ As noted previously, we are considering adopting any or all of these proposals with an exemption for small entities. Furthermore, the ability to grant exceptions on the basis of petitions from small entities, if these proposals were adopted in whole, could also address the concerns of such firms.

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value, and further provided that such expenses that are incurred or paid after January 27, 1981 are not prepaid expenses (as defined for purposes of 10 CFR 212.78(h)(5)(i)).

§ 212.78 [Amended]

3. Effective for the period March 19, 1981 through March 31, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

(c) * * *

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value, and further provided that (1) such expenses that are incurred or paid after January 28, 1981 are not prepaid expenses (as defined for purposes of 10 CFR 212.78(h)(5)(i)) and (2) such expenses are incurred and paid prior to March 19, 1981.

§ 212.78 [Amended]

4. Effective immediately, 10 CFR 212.78 is revised by redesignating the existing paragraph as § 212.78 is revised by redesignating the existing paragraph as § 212.78(a) and by adding a new paragraph (b) to read as follows:

(b) During the period of [the date the final rule is published] through [fourteen days], a producer shall change the certification of crude oil that it previously had certified as tertiary incentive crude oil pursuant to 10 CFR § 212.131(a), if pursuant to the amendments published on [the date the final rule is published] that crude oil would not have qualified as tertiary incentive crude oil. A reseller that pursuant to this paragraph receives a change in the certification of crude oil that it previously had certified as tertiary incentive crude oil pursuant to 10 CFR § 212.131(b) shall recertify that crude oil to its purchaser within ten working days. A firm that recertifies crude oil pursuant to this paragraph that

it previously had certified as tertiary incentive crude oil also must refund any money that it received from the purchaser of that crude oil in excess of the lawful selling price for that crude oil as recertified.

Appendix A

March 24, 1981.

Mr. F. Scott Bush,
Assistant Administrator for Regulations and
Emergency Planning, Economic
Regulatory Administration, Room No.
7219, 2000 M Street, N.W., Washington,
D.C.

Re: Petition for Rulemaking Regarding the
Tertiary Incentive Program.

Dear Mr. Bush: Union Oil Company of California ("Union") hereby petitions the Economic Regulatory Administration, pursuant to 10 CFR 205.160-205.162 to institute a rulemaking proceeding regarding the DOE's Tertiary Incentive Program, 10 CFR 212.78. On March 19, 1981, ERA published an Advance Notice of Proposed Rulemaking, stating that it

"intends to eliminate the ability to recoup tertiary expenses pursuant to 10 CFR 212.78 with respect to any expenses not already incurred and paid as of March 19, 1981. A Notice of Proposed Rulemaking formally proposing this regulatory change will be published in the near future." 46 FR 17566.

Union is petitioning ERA to expand this forthcoming proposed rulemaking to consider, as an alternative to March 19, establishing the cutoff date for the Tertiary Incentive Program on January 28, 1981, the effective date of decontrol pursuant to Executive Order No. 12287, 46 FR 9909 (January 30, 1981).

Discussion

Executive Order No. 12287, *supra*, provided for the "immediate" decontrol of crude oil and all refined petroleum products, effective January 28, 1981. Thereafter, on February 12, 1981, DOE issued a Ruling which stated (a) that firms could become "qualified producers" under the Tertiary Incentive Program "on or after January 28, 1981," and (b) that any qualified producer could recover "allowed expenses" under the Program through the recertification of crude oil sold in December 1980 and January 1981, "as long as the producer has incurred, paid, and reported those expenses prior to * * * March 31, 1981 * * *." Ruling 1981-1, Question No. 7, 46 FR 12945, 12947 (February 19, 1981). Certain refiners have brought suit challenging, *inter alia*, the legal authority of DOE to extend the Tertiary Incentive Program beyond January 28, 1981. *Diamond Shamrock Corporation, et al. v. Edwards*, Civ. No. 81-101 (D. Del. filed March 11, 1981). Among other things, the plaintiffs in *Diamond Shamrock* argue: (a) that Executive Order No. 12287 terminated the Tertiary Incentive Program and divested DOE of authority to repromulgate the Program; (b) that continued application of the Program serves no legitimate regulatory purpose and is irrational, arbitrary, and capricious; and (c) that Ruling 1981-1 is procedurally defective

and therefore invalid insofar as it seeks to extend or repromulgate the Tertiary Incentive Program.

Even if it were ultimately established that the Department of Energy had the legal authority to maintain the Tertiary Incentive Program for the period January 28-March 31, 1981, such action would be inappropriate, undesirable and unnecessary, and DOE should fully ventilate this issue in the forthcoming rulemaking proceeding. In its March 19 notice, ERA admitted its:

"Belief that tertiary projects which this program was designed to enhance are most likely already to have been certified and appropriate expenses incurred and paid. Any project that has waited so long to become certified and any expenses that have not already been incurred and paid are not likely to need the benefits of the Tertiary Incentive Program." 46 FR 17566.

It was for this reason that ERA announced its intent to cut off the Program effective March 19.

However, this reason was as applicable on January 28 as it was on March 19. The fundamental premise of the Tertiary Incentive Program was the need to provide assistance to overcome production disincentives created by the existence of crude oil price controls and uncertainty as to when controls would end. With the termination of controls on January 28, the rational basis for the Tertiary Incentive Program was removed.¹ Unless ERA undertakes prompt corrective action, the participants in the entitlements program will be required to pay massive subsidies that lack a lawful regulatory basis. Accordingly, it is essential that ERA consider, in a rulemaking context, the full range of options available to remedy the failure to terminate this Program on January 28, 1981.

Union anticipates that some firms would claim that they had incurred and paid allowed expenses after January 28, 1981, in reliance on the continuation of the Tertiary Incentive Program. However, there is substantial doubt as to the extent of justifiable or detrimental reliance.² Even if there has been some reliance, that would not necessarily constitute a legal barrier, under the special circumstances here present, to designation of a January 28, 1981 cutoff date.

¹ In addition, there are indications that firms attempting to avail themselves of the Tertiary Incentive Program have taken actions following the date of decontrol outside the range of the normal business practices that had grown up under the Tertiary Incentive Program as it was initially designed and implemented.

² There is reason to believe that the great majority of tertiary expenses incurred since January 28 have been incurred in interaffiliate transactions. To the extent expenses have been incurred in arm's-length transactions with unrelated third parties, there are indications that the great majority of these are simply in the form of executory contracts, which may be subject to a rescission should the agency determine to impose a cutoff date of January 28. And it may well be that exception relief would be an appropriate mechanism for dealing with the few remaining cases.

These issues, however, cannot be assessed responsibly in a vacuum. They are precisely the kinds of matters appropriately resolved in a rulemaking proceeding.

Conclusion

For the reasons stated above, Union hereby requests that the Notice of Proposed Rulemaking to be issued soon with regard to the Tertiary Incentive Program be expanded so as to provide notice, opportunity for comment, and agency consideration of the possibility of establishing January 28, 1981 as the cutoff date for expenses incurred or paid under the Tertiary Incentive Program. Having determined to initiate a rulemaking proceeding on this subject, it would be arbitrary and capricious for ERA to refuse to consider alternative cutoff dates or to reject Union's proposed January 28 cutoff without the benefit of a rulemaking proceeding.

In the Notice of Proposed Rulemaking, the participants should be invited to comment, *inter alia*, on the following matters:

(1) The appropriateness, desirability or necessity of permitting the Tertiary Incentive Program to recognize expenses incurred and paid after January 28, 1981.

(2) The extent and significance of justifiable reliance, if any, on the Tertiary Incentive Program after decontrol.

(3) The timing of actions taken under the Tertiary Incentive Program after January 28, including when firms became qualified producers and when expenses were incurred, paid and reported.

(4) The extent to which actions under the Tertiary Incentive Program after January 28 did not conform to normal business practices under that Program before that date.

(5) The extent to which expenses incurred and paid under the Tertiary Incentive Program after January 28 involved interaffiliate transactions.

(6) The extent to which expenses incurred and paid under the Tertiary Incentive Program after January 28 are—as of the date of the Notice of Proposed Rulemaking—still in the form of executory contracts.

(7) The legal status of such executory contracts should DOE determine to establish January 28 as the cutoff date for the recognition of expenses under the Tertiary Incentive Program.

(8) The suitability of exception relief for those parties that could demonstrate a serious hardship or gross inequity by virtue of the government's establishing a January 28 cutoff date.

In connection with the rulemaking proceeding, DOE should gather certain data from all firms certifying costs as having been paid or incurred under the Tertiary Incentive Program after January 28, 1981. Through such requests, DOE could assemble useful information regarding items (3)–(8) above and publish that information in aggregate form.³

³ The undersigned certifies that they are duly authorized to represent Union Oil Company of California in connection with this matter.

Respectfully submitted,

Paul J. Mode, Jr.,

Jay F. Lapin,

Attorneys for the Union Oil Company of California.

cc: Thomas C. Newkirk,

Deputy General Counsel for Regulations.

Appendix B—ESIRTF

Emergency Small Independent Refiners Task Force

1015 Fifteenth St., N.W.,

Washington, D.C.

William H. Bode, Secretary and General Counsel

By Hand

March 4, 1981.

Eric J. Fygi, Esq.

Acting General Counsel, U.S. Department of Energy, Forrestal Building—Room 6A-245, 1000 Independence Avenue, SW., Washington, D.C.

Dear Mr. Fygi: On behalf of the Emergency Small Independent Refiners Task Force ("ESIRTF"), this letter is to request that the Department of Energy ("DOE") suspend until further notice the effective date of the "tertiary incentive program" amendments adopted by the Economic Regulatory Administration ("ERA") on January 5, 1981.

With the recent issuance of the December, 1980 entitlements notice, we have become aware of the enormous and, we believe, completely unintended windfall which those amendments have conferred upon a few already well-heeled integrated major refiners at the expense of all other refiners in the Entitlements Program. Specifically, the rules adopted at 46 *Fed. Reg.* 1246 (January 5, 1981), as they have been interpreted and applied by a few major refiners and the Entitlements Program Office of the ERA, essentially permit those refiners to finance ongoing crude oil production activities with payments from independent refiners through the Entitlements Program. This is permitted in the name of providing an "incentive" for those major refiners to engage in production activities which have obviously been on-going for substantial periods of time and which just as obviously require no incentives. We refer in particular to the rule which has been interpreted as allowing those producer-refiners to recover "in-house" expenses by treating "old" oil as uncontrolled oil for purposes of the Entitlements Program.

A look at the facts will show the enormity of the windfall to the refiners in question. We understand that Arco and Amoco, among others, have taken advantage of the new rules (as they interpret them) and have effectively "recertified" to themselves "old" oil as uncontrolled oil and have reported "adjustments" to crude oil receipts in their entitlements reports for December 1980. In the entitlements notice of November, 1980, Arco had deemed old oil receipts of almost three million barrels, and was a new entitlements purchaser of approximately 1.3 million entitlements. In the same month, Amoco had deemed old oil receipts of approximately 4.8 million barrels and was a net purchaser of approximately 2.5 million entitlements. For the month of December,

1980, however, Arco shows deemed old oil receipts of negative 3.7 million barrels, and is a net seller of 4.8 million entitlements. Amoco shows deemed old oil receipts of 56,000 barrels and is a net seller of 1.4 million entitlements. Applying the \$27.00 December 1980 entitlements price, Arco has experienced a net gain of well over \$160 million and Amoco has experienced a gain of approximately \$110 million under the Entitlements Program, in one month.

Those same facts show the enormous burden imposed upon all other refiners in the Program. As a rough gauge of the impact of just these two refiners, dividing their net dollar gain under the Program by total domestic crude oil runs to stills in December yields a reduction in every refiner's runs credit of approximately \$0.65 per barrel. These two refiners therefore account for over one-half of the total runs credit reduction for November of approximately \$1.11 per barrel.

Needless to say, additional income of \$110 million or \$160 million in just one month is substantial by any measure. Also needless to say, an unanticipated increase in other refiners' costs of crude oil of \$0.65 per barrel is significant, particularly under current circumstances in which product revenues already often do not equal crude costs. The effect of these amendments, in short, has been to seriously distort the economic expectations underlying December 1980 and January 1981 crude oil acquisition transactions of refiners, and to impose immediate and serious hardships upon them.

We believe the amendments must be suspended, and any revenues already realized by Arco and Amoco (and any others similarly situated) returned to the Program, pending a thorough review of the impacts and benefits of the rule in question.

The rule and its apparent implementation is legally suspect in many regards. First, the ERA performed no Regulatory Analysis of the rule's impact, as required by Executive Order and the Department's own regulations. A rule with the impacts described above is "major" by any reasonable standard. Second, the failure of the ERA to analyze and disclose the probable impact of its proposed rule violates the provisions of the Department of Energy Organization Act, and of the Administrative Procedures Act, which require that the DOE set forth the data, research and analyses upon which the proposal is based and provide a meaningful opportunity for potentially affected parties to comment. DOE's failure to perform this analysis resulted in a situation wherein those who would be (and now have been) severely adversely affected were not put on adequate notice that they would be so affected and so did not have an opportunity to register meaningful comments. It bears emphasizing, in this regard, that refiners such as ESIRTF members could not possibly have known what these impacts would be in advance; rather, that information was known only to those who stood to benefit from the proposal and, possibly, to the DOE. Certainly the DOE could and should have assembled information concerning the aggregate impact of the rule and disclosed it to the public.

Third, given the enormity of the impact—which ERA itself obviously did not appreciate when it concluded that its proposals were “not major”—it is clear that the rule is arbitrary and irrational, and not consonant with governing statutory objectives. The amendment allowing recovery of “in-house” expenses was adopted January 5, 1981, and was expressly not made retroactive. Thus, Arco, for example, is apparently claiming that it incurred approximately \$210–\$220 million of such expenses (of which \$160 million represents 75 percent) between January 5 and the end of January for tertiary projects. It should be plain from the sheer magnitude of Arco’s claims that virtually all of these same expenses were being and had been regularly incurred prior to the amendments. Certainly, no firm could undertake new activity and incur anything like this amount in so short a time in response to the amendments. Thus, a fundamental premise of the entire rule—to provide an incentive to undertake activity which would not otherwise be undertaken—is simply not true. On the contrary, it is manifest that the rule, as interpreted and applied by these refiners and the ERA, simply throws the money of other refiners at these few refiners for doing what they were doing anyway. It is impossible to find a legitimate purpose or basis in the governing statutory objectives for this result, let alone to balance any such objective against the tangible harm to other refiners.

The ERA’s stated purpose in proposing the subject amendments was to avoid creating inefficiencies, whereby the prior requirement for an arm’s-length transaction “may actually be working to increase the amount of expenses that a producer recovers under the program” (45 Fed. Reg. 54688 at 54689) and thus increase crude oil costs unnecessarily. The results discussed above show that crude oil “costs” have risen enormously and unnecessarily as a result of the amendment, and have been paid for by all other refiners in the program.

Finally, there are serious issues concerning the propriety of the manner in which the rule has been implemented. For example, the enormous amounts which Arco and Amoco apparently claim to have “incurred” since January 5 raise substantial questions. How could any firm, no matter how large and no matter how long they have engaged in the activity, incur over \$200 million for enhanced recovery in less than one month? A related question is whether these refiners and the ERA have observed the \$15 million (75 percent of \$20 million) per project limitation on “allowed expenses.”

We are sure you will agree that these are very serious questions. Indeed, it is our position that the rule as adopted and implemented is invalid, for the above reasons among others. In any event, in light of these troublesome matters we urge that the DOE act to suspend the January 5 amendment pertaining to “in-house” expenses, at least until a full airing of the issues consistent with legal requirements can be had. We are confident the DOE will revoke these rules upon further deliberation after meaningful comments have been received. Prompt action is required, because all parties involved now

appear to concede that the problem will be even worse in the upcoming entitlements notice.

The amendment should also be suspended effective as of its purported effective date, and Arco and Amoco and any other similarly situated refiner should be required to restore their unlawful gains to the Entitlements Program in the January 1981 notice to be issued this month. Small and independent refiners simply cannot afford this gross and unjustified subsidy to major refiners, and in light of the serious questions surrounding the rule all parties should be restored to the status quo ante pending final action on the rule.

Suspension of the rule is also warranted on another ground. The amendments were adopted on January 5, 1981, and were made effective immediately. Certainly, no reasons of compelling urgency required an immediate effective date, and the ERA cited none. Rather, ERA simply concluded that the amendments “remove a restriction” and therefore could be implemented immediately, and in addition, it “found” that immediate implementation would promote “efficient” use of resources. As we have indicated above, no such result can be ascribed to the rule. The ERA’s findings justifying an advanced effective date are therefore suspect and vulnerable to challenge. On the other hand, had the normal 30-day waiting period been observed, as it should have been, then the rule would have been subject to the President’s “freeze order” on new regulations. Since the waiting period should have been observed, the rule should be treated as being subject to suspension under the “freeze order.” Moreover, the rule should be regarded as not having been validly made effective for the month of January.

For all the above reasons, we urge your prompt action to suspend the rule in question effective January 5, 1981.

Thank you for your attention to this urgent matter.

Very truly yours,

William H. Bode,

Batzell, Nunn & Bode.

[FR Doc. 81-13419 Filed 5-3-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 374

(SPDR-81; Docket 39547)

Implementation of the Consumer Credit Protection Act With Respect to Air Carriers and Foreign Air Carriers

Dated: April 16, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to revise its consumer credit regulations to include its enforcement responsibilities under the Equal Credit Opportunity Act, the Fair Debt Collection Practices Act, and the Electronic Fund Transfer Act,

and to explicitly state the Board’s power to assess civil penalties for violation of the Consumer Credit Protection Act. This rulemaking is at the Board’s initiative.

DATES: Comments by: July 6, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: May 21, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39547, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

The Consumer Credit Protection Act, as amended, 15 U.S.C. 1601–1693r, and Regulations B and Z of the Federal Reserve Board, 12 CFR Parts 202 and 226, set forth requirements for consumer credit transactions. The Consumer Credit Protection Act consists of five subchapters: (1) the Truth in Lending Act as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601–1607, (2) the Fair Credit Reporting Act, 15 U.S.C. 1681–1681t, (3) the Equal Credit Opportunity Act, 15 U.S.C. 1691–1691f, (4) the Fair Debt Collection Practices Act, 15 U.S.C. 1692–1692a, and (5) the Electronic Fund Transfer Act, 15 U.S.C. 1693–1693r.

The Consumer Credit Protection Act sets forth the standard of conduct required in consumer credit transactions. Congress has explicitly stated in the Consumer Credit Protection Act that if air carriers or foreign air carriers fail to meet this standard, it is a violation of the Federal Aviation Act of 1958 (the Act) and enforceable by the Board. The Board will find such violations unfair and deceptive practices, and an unfair method of competition in air transportation under section 411 of the Act. In addition, violations will be enforced under Title IV of the Act pursuant to the general delegation of enforcement responsibility to the Board. Section 901 of the Act

provides that the Board may assess civil penalties for any violation of Title IV of the Act so that violation of the Consumer Credit Protection Act or regulation would be subject to civil penalties. Although we believe that we currently have the authority to assess civil penalties for such violations, we wish to make this clear by stating this directly in the body of the rule and through the authority citation.

Part 374 of the Civil Aeronautics Board's regulations states the Board's responsibility with respect to the Consumer Credit Protection Act and related regulations. The rule would be amended to require that each U.S. and foreign air carrier comply with the requirements of the Consumer Credit Protection Act and Regulations B and Z of the Federal Reserve Board. In addition, this proposed revision of Part 374 would make both substantive and editorial changes. A description of the Board's responsibility under the 1978 amendments to the Equal Opportunity Act and under the recently enacted Fair Debt Collection Practices Act and the Electronic Fund Transfer Act would be added to § 374.3. The Board would change the citations to the Consumer Credit Protection Act in Part 374 from the relatively inaccessible Titles found in the Public Laws and Statutes at Large to those of the United States Code. The citation for Regulation Z would be corrected. Finally, portions of the rule would be rewritten for clarity.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, Pub. L. 96-354, which took effect January 1, 1981, the Board certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Although the rule may affect some small air carriers that are assessed civil penalties for violating the Consumer Credit Protection Act and related regulations, our experience indicates that the number of violators will not be substantial.

Accordingly, the Civil Aeronautics Board proposes to revise 14 CFR Part 374 to read:

PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Sec.

374.1 Purpose.

374.2 Applicability.

374.3 Compliance with the Consumer Credit Protection Act and regulations.

374.4 Enforcement procedure.

Authority: Secs. 204, 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 769, 49 U.S.C. 1324, 1381; Consumer Credit Protection Act, as amended, 82 Stat. 147, 84 Stat. 49, 1128, 88 Stat. 1511, 89 Stat. 1159, 90 Stat. 197, 196, 251, 91 Stat. 161, 162, 874, 92 Stat. 2676, 3728, 15 U.S.C. 1601-1693r; 12 CFR Parts 202 and 226.

§ 374.1 Purpose.

The purpose of this part is to state the Board's responsibility to enforce air carrier and foreign air carrier compliance with Subchapters I, III, IV, V and VI of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System.

§ 374.2 Applicability.

This part is applicable to all air carriers and foreign air carriers engaging in consumer credit transactions.

§ 374.3 Compliance with the Consumer Credit Protection Act and regulations.

(a) Each air carrier and foreign air carrier shall comply with the requirements of the Consumer Credit Protection Act, 15 U.S.C. 1601-1693r. Any violation of the following requirements of that Act will be a violation of the Federal Aviation Act of 1958, enforceable by the Board:

(1) The Truth in Lending Act, as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601-1667, requiring disclosure of credit terms to the consumer and prohibiting inaccurate or unfair credit billing and credit card practices.

(2) The Fair Credit Reporting Act, 15 U.S.C. 1681-1681i, setting forth requirements to be met by consumer credit reporting agencies and persons who use consumer credit reports.

(3) The Equal Credit Opportunity Act, 15 U.S.C. 1691-1691f, prohibiting discrimination in credit transactions on the basis of race, color, religion, national origin, sex, marital status, age, or receipt of public assistance, or against applicants who have exercised their rights under that Act.

(4) The Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o, prohibiting abusive, deceptive, and unfair debt collection practices.

(5) The Electronic Fund Transfer Act, 15 U.S.C. 1693-1693r, establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems.

(b) Each air carrier and foreign air carrier shall comply with the requirements of Regulation B, 12 CFR Part 202, and Regulation Z, 12 CFR Part 226, of the Board of Governors of the Federal Reserve Board. Any violation of the requirements of those regulations

will be a violation of the Federal Aviation Act of 1958, enforceable by the Board.

§ 374.4 Enforcement procedure.

The statutes and regulations referred to in § 374.3 may be enforced by an enforcement procedure as set forth in Subpart B of Part 302 of this chapter or by the assessment of civil penalties under section 901 of the Federal Aviation Act of 1958.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-4676 Filed 5-5-81; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A4 FRL 1811-1]

Approval and Promulgation of Implementation Plans; Georgia: Bubble Action for the ITT Rayonier, Inc., in Jesup, Georgia

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Georgia has submitted a State Implementation Plan (SIP) revision affecting the allowable particulate emission rates from the No. 6 Recovery Boiler, No. 3 Power Boiler and No. 5 Smelt Dissolving Tank at the ITT Rayonier, Inc. in Jesup, Georgia. This action is being treated within the EPA bubble policy concept. More stringent controls are being placed on the sources that have shorter stacks and less stringent controls are required on the sources which have taller stacks. This will have a beneficial impact on the air quality and EPA is today proposing to approve this SIP revision.

DATE: Comments must be received by June 5, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460.

Georgia Department of Natural Resources, Environmental Protection

Division, 270 Washington Street, SW.,
Atlanta, Georgia 30334.

Library, Environmental Protection
Agency, Region IV, 345 Courtland
Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT:
Barry Gilbert at the EPA Region IV
address above or call 404/881-3286 or
FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 1980, EPA received from the State of Georgia an SIP revision that pertains to the ITT Rayonier, Inc. in Jesup, Georgia. This revision was considered as a bubble application for particulate controls on three sources.

ITT Rayonier has submitted an Equivalent Alternative Emission Reduction Option for particulate emissions from the No. 6 Recovery Boiler, No. 3 Power Boiler and

No. 5 Smelt Dissolving Tank at its Jesup kraft pulp mill. Each of these emission points has been permitted according to Georgia's SIP applicable emission limitations. The No. 6 Recovery Boiler is presently under construction, and the power boiler and smelt tank are existing emission points which have recently demonstrated compliance by emission tests.

ITT's strategy is to increase the SIP allowable particulate emissions of 52.1 pounds per hour from No. 6 Recovery Boiler by 24.7 pounds per hour. To offset this allowable emission increase, ITT has agreed to accept particulate emission limitation reductions of 10.0 pounds per hour on No. 3 Power Boiler and 14.7 pounds per hour on No. 5 Smelt Dissolving Tank. The proposed option will therefore result in no net allowable emission increases.

Ambient air quality monitoring data from a particulate sampler at the Wayne County High School in Jesup near the pulp mill indicated ambient particulate concentrations in 1979 of a maximum 68 $\mu\text{g}/\text{m}^3$ for the 24-hour average and a 34 $\mu\text{g}/\text{m}^3$ for the annual geometric mean. These concentrations are significantly below the National Ambient Air Quality Standards. Analysis of the emission rates and stack parameters before and after implementing the bubble indicates there will be an improvement in ambient air quality. Although there will be no reduction in actual emissions from No. 3 power boiler and No. 5 smelt dissolving tank, the alternative limits are approvable because the applicable SIP for particulate emissions is based on allowable rather than actual emissions and there will be no consumption of increment.

Action

EPA is today proposing to approve the SIP revision and is soliciting public comment on the bubble application.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only proposes to approve state actions. It imposes no new regulatory requirements. In addition, this proposed change should result in a reduction in the cost of compliance for the source involved.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

(Secs. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: February 17, 1981.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 81-13624 Filed 5-6-81; 8:45 am]

BILLING CODE 5560-38-M

40 CFR Part 52

[ASFO 1809-4]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA announced elsewhere in today's Federal Register final rulemaking on parts of the Wisconsin ozone and carbon monoxide (CO) State Implementation Plan (SIP). Wisconsin submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved certain revisions to the Wisconsin CO and vehicle emission inspection and maintenance (I/M) SIP. This notice solicits public comment on the deadlines by which the State of Wisconsin has committed itself to remedy conditionally approved portions of its SIP.

DATES: Comments must be received on or before July 6, 1981.

ADDRESSES: Comments should be sent to the following address: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following addresses: USEPA, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604, USEPA, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Anne Earnstein, Regulatory Analysis Section, Air Programs Branch U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

SUPPLEMENTARY INFORMATION: In final rulemaking action published in today's Federal Register, USEPA conditionally approved portions of Wisconsin's CO control strategies and I/M program. A discussion of conditional approval and its practical effects appears in the July 2, 1979 and the November 23, 1979 Federal Registers (44 FR 38583 and 67182). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by USEPA in its final rulemaking action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specified date, or unless the corrections are ultimately determined to be inadequate.

In today's final rulemaking, USEPA also identified the conditions which must be satisfied by the State of Wisconsin to correct the specified deficiencies in the I/M program and the CO strategies in the Part D Wisconsin SIP. The State of Wisconsin has provided assurances in letters dated September 26, 1980 and April 9, 1981 that it will satisfy the conditions on a specific schedule.

USEPA proposes to approve the following schedules for Wisconsin to correct the remaining deficiencies in the Milwaukee I/M and CO SIP.

1. The State of Wisconsin committed itself to submit by January 1, 1982, if necessary, CO control strategies to address identified CO hotspots in the Milwaukee area. These strategies will

be excerpted from the 1982 Transportation Improvement Program (TIP) for the Milwaukee Urbanized Area.

2. The State of Wisconsin committed itself to submit by August 15, 1981 the funding/manpower resource commitment action taken by the State legislature.

3. The State of Wisconsin committed itself to submit by August 15, 1981 a revised implementation schedule for its I/M program.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified (46 FR 8709) that the attached proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only proposes to approve a State action and, therefore, imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the State action would serve no practical purpose and could well be improper. On January 27, 1981 the Administrator published the required certification for all SIP approvals under section 110 of the Act at 46 FR 8709.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action. This action only proposes for public comment those dates by which Wisconsin has committed itself to submit revisions to its CO and I/M SIP, which was conditionally approved elsewhere in today's Federal Register.

This notice of proposed rulemaking is issued under authority of Sections 110, 172, and 301(a) of the Clean Air Act, as amended.

Dated: March 25, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-13680 Filed 5-5-81; 8:45 am]

BILLING CODE 6560-36-M

40 CFR Part 81

[A-9 FRL 1811-6]

Air Quality Planning Purposes; Designation of Areas: Nevada and California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the attainment status designations for

the western portion of San Diego County, California and the Truckee Meadows (Washoe County) area of Nevada. The designation for west San Diego County is proposed to be changed from nonattainment to attainment for nitrogen dioxide (NO₂). The designation for Truckee Meadows is proposed to be revised from nonattainment for oxidant to attainment for ozone.

The EPA invites public comments on the proposed redesignations. If these areas are redesignated to attainment, the requirements of Part D, of the Clean Air Act, as amended, would no longer apply to west San Diego County for NO₂ and to Truckee Meadows for ozone.

DATE: Comments may be submitted on or before June 5, 1981.

ADDRESSES: Comments should be directed to: David Howekamp, Chief, Air Programs Branch (A-2), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to the proposed redesignations is available for public inspection at normal business hours at the EPA Region IX Office at the address above and at the following locations:

Public Information Reference Unit,
Room 2404 (EPA Library), 401 "M"
Street, SW., Washington, D.C. 20460
California Air Resources Board, 1102
"Q" Street, Sacramento, CA 95812
San Diego Air Pollution Control District,
9150 Chesapeake Drive, San Diego,
CA 92123

Nevada Department of Conservation
and Natural Resources, 201 South Fall
Street, Carson City, NV 89710
Washoe County District Health
Department, Division of
Environmental Services, Wells
Avenue at 9th Street, Reno, NV 89520

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, State
Implementation Plan Section (A-2-4),
Air Programs Branch, Air and
Hazardous Materials Division, EPA
Region IX, 215 Fremont Street, San
Francisco, CA 94105, Attn: Ronald
Leach, (415) 556-9728

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The western portion of San Diego County, California (for a boundary description see 36 FR 22439, November 25, 1971) was designated as nonattainment for NO₂. The Truckee Meadows area of Nevada was designated nonattainment for

photochemical oxidant. Under Paragraph 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation.

On February 8, 1979 (44 FR 8202), EPA revised the oxidant standard of 0.08 parts per million (ppm) to an ozone standard of 0.12 ppm. In addition, EPA established a statistical method of determining whether the standard has been exceeded. The national standards for ozone are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR Part 50.

The demonstration of attainment/nonattainment for the ozone standard must be based upon the calculated number of expected exceedances of the National Ambient Air Quality Standard (NAAQS) at each monitoring station. Three years of air quality data are needed to accurately determine the number of expected exceedances. The average number of expected exceedances per year at each monitoring station must not exceed 1.0 if the area is to be designated as attainment. Specific provisions are also included in 40 CFR Part 50, Appendix H, for determining whether compliance with the NAAQS can be assumed for days with insufficient data. For all NAAQS pollutants, except O₃, eight quarters of data with no violations are required for a redesignation to attainment.

Proposed Redesignation for Truckee Meadows (Ozone)

A redesignation request was submitted to EPA by the State of Nevada for Truckee Meadows on November 5, 1980. On March 18, 1981, Washoe County submitted to EPA a summary of the highest ozone concentrations in Truckee Meadows over the past three years (1978 through 1980). Since the average number of expected exceedances over the past three years is less than 1.0, EPA believes that the Truckee Meadows area of Nevada should be redesignated attainment for ozone.

Proposed Redesignation of West San Diego County (NO₂)

On March 26, 1981, the California Air Resources Board requested that San Diego County be redesignated from nonattainment to attainment for nitrogen dioxide. This proposal concerns only the western portion of the County, since the eastern section is already designated attainment for nitrogen dioxide. Attached to the State's request was a summary of air quality data

showing no violations of the nitrogen dioxide NAAQS in the County for the past two years (1979 and 1980).

Based upon a review of the nitrogen dioxide air quality data, EPA believes that the NAAQS for NO₂ have been attained in the western portion of San Diego County.

Proposed Actions

EPA is proposing that the western portion of San Diego County in California be redesignated to attainment for nitrogen dioxide. EPA is also proposing that the Truckee Meadows area of Nevada be redesignated attainment for ozone.

If these areas are redesignated as proposed, the Part D requirements of the Clean Air Act would no longer apply for NO₂ in western San Diego County and ozone in Truckee Meadows. However, these areas remain subject to the requirements of Part D for these pollutants until EPA approves the requested redesignations in a final rulemaking action.

Pursuant to the provisions of 5 U.S.C. 805(b) the Administrator has certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it is proposing approval of state actions. It imposes no new regulatory requirements.

This proposal 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 responses to these comments are available for public inspection at EPA Region IX, Air and Hazardous Materials Division, 215 Fremont Street, San Francisco, CA 94105.

(Sections 107(d) and 301(a) of the Clean Air Act, as amended 42 U.S.C. 7407(d) and 7601(a))

Dated: April 17, 1981.

Louise Giersch,

Acting Regional Administrator.

(FR Doc. 81-13633 Filed 5-5-81; 8:45 am)

BILLING CODE 6560-38-M

40 CFR Part 81

[A-8-FRL 1811-8]

Air Quality Planning Purposes; Designation of Areas; Utah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to redesignate Weber and Utah Counties in Utah under Section 107 of the Clean Air Act from nonattainment to attainment for ozone. This action results from a request from the Governor of Utah which was received by EPA on February 3, 1981, and showed that the national standards for ozone have not been violated in either county since 1978.

DATE: Comments due June 5, 1981.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the submittal are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
1860 Lincoln Street, Denver, Colorado
80295

Environmental Protection Agency,
Public Information Reference Unit,

Waterside Mall, 401 M Street, S.W.,
Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:
David Kircher, Air Programs Branch,
Environmental Protection Agency, 1860
Lincoln Street, Denver, Colorado 80295,
(303) 837-3711

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8964), EPA published nonattainment area designations for Utah which, *inter alia*, designated Weber and Utah Counties as nonattainment for ozone. These designations were based upon violations of the ozone standard (.08 ppm) in Ogden and Provo, Utah.

On February 8, 1979 (44 FR 8202), EPA revised the ozone standard from 0.08 ppm to 0.12 ppm. Thus, under 40 CFR 50.9, an area is considered attainment when the expected number of days per year with maximum hourly average concentrations above 0.12 ppm is equal to or less than one when averaged over the most recent three calendar years.

On February 3, 1981, EPA received from the State of Utah an analysis of the ozone concentrations in Ogden and Provo, Utah. That analysis concluded that both areas should be redesignated to attainment. EPA has examined the data independently and agrees with the State's conclusion that both areas are attainment with respect to the national standard for ozone. The actual expected exceedances at the two stations are shown in the following table:

City	County	Measured exceedances			Expected exceedances			
		1978	1979	1980	1978	1979	1980	Avg.
Ogden	Weber	3	0	0	3.1	0	0	1.0
Provo	Utah	1	0	1	1.8	0	1.2	0.9

From the above data it is evident that the expected exceedances in both communities is equal to or less than one. Therefore, EPA today proposes to change the designations for ozone in Weber and Utah Counties from nonattainment to attainment. Interested persons are invited to examine the data and comment on the proposed redesignation.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. Section 605(b)), the Administrator has certified (46 FR 8709) that the proposed action will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only proposes to approve requirements adopted by the State.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 USC 7410).

Dated: March 26, 1981.

Gene A. Lucero,
Acting Regional Administrator.
[FR Doc. 81-13632 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Regulatory Flexibility Agenda

AGENCY: Federal Maritime Commission.

ACTION: Regulatory Flexibility Agenda.

SUMMARY: Pursuant to the recently enacted Regulatory Flexibility Act, the Commission anticipates having under consideration during the period from April 1, 1981 through October 1, 1981 actions in the areas listed below which are likely to have a significant economic impact on a substantial number of small entities.

DATES: Comments may be received until October 31, 1981.

ADDRESS: Comments should be addressed to: Joseph Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

A staff contact is named for each regulatory area listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, Pub. L. 96-354) requires that a regulatory flexibility analysis be prepared for those regulations which are likely to have a significant economic impact on a substantial number of small entities. The following are those regulations which the Commission believes will require such an analysis:

(1) Energy Policy and Conservation Act Regulation

Subject Area of the Rule: This prospective rule will implement Commission responsibilities under the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 *et seq.*).

Summary and Objective of the Rule: During the next six months the Commission will consider a rule which will require that a statement of energy impact (SEI) be prepared by the FMC's Office of Energy and Environmental Impact for all Commission actions having a major regulatory impact upon energy conservation. The contemplated rule establishes procedures for preparing SEI's and sets forth procedures for public comments. Persons filing a complaint, protest, petition or application requesting

Commission action under this rule will be required to submit sufficient supporting data to ensure that the Commission has adequate information to evaluate the impact of the proposed regulatory action on energy efficiency and conservation.

Legal Basis for the Rule: The legal basis of the prospective rule lies in section 382(b) of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6362(b), and section 43 of the Shipping Act, 1916, 46 U.S.C. 841(a).

Staff Contact: Edward R. Meyer, Office of Energy and Environmental Impact, (202) 523-5835.

(2) Comprehensive Environmental Response, Compensation and Liability Act Regulation

Subject Area of the Rule: This prospective rule spells out financial responsibility and certification procedures for hazardous substances in compliance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Pub. L. 96-510).

Summary and Objective of the Rule: The Commission is considering issuance of a regulation which would require specified standards and procedures for vessel owners and operators to show evidence of financial responsibility for hazardous substance spills and for the Commission to subsequently issue certificates of financial responsibility as evidence of compliance. Those steps will bring about Commission compliance with Pub. L. 96-510 for actions relating to financial responsibility for hazardous substance spills.

Legal Basis for the Rule: Legal authority for the prospective rule lies in section 43 of the Shipping Act, 1916 (46 U.S.C. 841a).

Staff Contact: Robert M. Skall, Deputy Director, Bureau of Certification and Licensing, (202) 523-5841.

By the Commission, April 28, 1981.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-13605 Filed 5-5-81; 8:45 am]
BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 404]

Changes in the Fee Schedule for Copying and Certifying Certain Records

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Due to cost increases over a relatively long period of time, the Secretary's Office has found it necessary to increase the fees charged for copying and certifying certain records and documents. Section 1002.1, Fees for records search, copying, certification, and services in connection therewith, is proposed to be amended to reflect these changes in the fee schedule.

In Ex Parte No. 55 (Sub-No. 43), Rules Governing Applications for Operating Authority (45 FR 45534, 07-03-80) several separate forms and several separately listed fees were consolidated into one form (OP-1) and one fee listing, 49 CFR 1002.2(d)(3). At that time several redundant fee listings were also removed. This rulemaking proposes to amend 49 CFR 1002.2(d), Schedule of filing fees, by removing the redundant separate listing for water contract carrier authority in 49 CFR 1002.2(d)(12).

We also propose to amend 1002.2(d) by removing and reserving for future use 49 CFR 1002.2(d)(42). That listing is for a fee charged to reflect a name change of a carrier. The Commission no longer charges a fee for such amendments of its records.

DATE: Public comment on this proposed rulemaking should be filed by June 5, 1981.

ADDRESS: Please send comments, original and one copy, to: Office of the Secretary, Room 2215 Interstate Commerce Commission, 12th St. and Constitution Ave., NW Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Joseph Ross, (202) 275-0993 or Kathleen King, (202) 275-0956.

SUPPLEMENTARY INFORMATION: Notice and comment are required regarding the raising of fees in § 1002.1. Since the changes to § 1002.2 are only technical changes not affecting substantive matters, no notice and comment are required.

This action will not significantly alter the quality of the human environment or conservation of energy resources.

These proposed amendments will not have a significant effect on small businesses.

Accordingly, we proposed to adopt the amendments set forth in the appendix.

Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553

Decided: April 28, 1981.

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

Agatha L. Mergenovich,
Secretary.

Appendix

§ 1002.2 [Amended]

1. Title 49 CFR 1002.2(d), Schedule of filing fees, is proposed to be amended by removing 49 CFR 1002.2(d)(12) and reserving it for future use and by removing 49 CFR 1002.2(d)(42) and reserving it for future use.

2. Title 49 CFR 1002.1 is proposed to be amended by revising paragraphs (a), (e), and (f)(1), (2) and (3) as follows:

§ 1002.1 Fees for records search, copying, certification, and services in connection therewith.

(a) Certificate of the Secretary, \$2.50.

(e) Electrostatic copies of tariffs, reports, and other public documents, at the rate of \$0.25 per letter size or legal size exposure. A minimum charge of \$2.50 will be made for this service.

(f) * * *

(1) The search fee shall be \$4.00 per hour for services performed by clerical personnel, and \$12.00 per hour for services performed by supervisory and professional personnel. A fee of \$25.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(2) The fee for electrostatic copies shall be \$0.25 per letter size or legal size exposure, with a minimum charge of \$2.50 for this service.

(3) The fees for searches requiring the use of computers shall be \$0.30 per port minute on the NDC system and \$0.12 per port minute on the Compu Serve System. Printing shall be charged at a rate of

\$0.10 per page of computer generated output with a minimum charge of \$25.00. A charge of \$25.00 per reel of magnetic tape will be made if the tape is to be permanently retained by the requestor.

[FR Doc. 81-13693 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Atlantic Herring Fishery, Fishery Management Plan; Public Hearing; Correction

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearing; Correction.

SUMMARY: This notice changes the date and time of the notice of public hearing that appeared on page 23501 of the Federal Register on Monday, April 27, 1981.

DATE: The public hearing is now scheduled for Friday, May 22, 1981, from 10:00 a.m. to 5:00 p.m. The hearing was originally scheduled for Wednesday, May 20, 1981, from 7:30 p.m. to 10:00.

ADDRESS: The location of the hearing at the Howard Johnson's in Danvers, Massachusetts remains the same.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director; or Frank Grice, Fishery Management Division; telephone for both individuals is (617) 281-3600.

Dated: May 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13674 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

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.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the Federal Register of August 27, 1980 (45 FR 57160). The revised schedule is based on the Community Services Administration (CSA) Income Poverty Guidelines effective April 6, 1981. This revision adopts as the income eligibility level for each state the higher amount of either: (a) 125% of the CSA Poverty Income Guideline, or (b) 100% of the CSA Poverty Income Guideline plus the amount each state supplements Federal SSI.

These ACTION programs are authorized pursuant to Section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 414. The income eligibility levels are determined by the currently applicable guideline published by CSA pursuant to Section 625 of the Economic Opportunity Act of 1964, which permits the CSA poverty guidelines to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Alabama	\$5,390	\$7,115	\$8,840
Alaska	8,230	11,165	13,340
Arizona	5,390	7,115	8,840
Arkansas	5,390	7,115	8,840
California	6,495	10,685	12,410

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs—Continued

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Colorado	5,390	8,440	10,185
Connecticut	5,535	8,575	10,300
Delaware	5,515	9,905	11,530
District of Columbia	5,390	7,115	8,840
Florida	5,390	7,115	8,840
Georgia	5,390	7,115	8,840
Hawaii	6,225	8,200	10,175
Idaho	5,390	7,115	8,840
Illinois	5,390	7,115	8,840
Indiana	5,390	7,115	8,840
Iowa	5,390	7,115	8,840
Kansas	5,390	7,115	8,840
Kentucky	5,390	7,115	8,840
Louisiana	5,390	7,115	8,840
Maine	5,390	7,115	8,840
Maryland	5,390	7,115	8,840
Massachusetts	5,960	8,265	9,990
Michigan	5,390	7,115	8,840
Minnesota	5,390	7,115	8,840
Mississippi	5,390	7,115	8,840
Missouri	5,390	7,115	8,840
Montana	5,390	7,115	8,840
Nebraska	5,390	7,115	8,840
Nevada	5,390	7,115	8,840
New Hampshire	5,390	7,115	8,840
New Jersey	5,390	7,115	8,840
New Mexico	5,390	7,115	8,840
New York	5,390	7,115	8,840
North Carolina	5,390	7,115	8,840
North Dakota	5,390	7,115	8,840
Ohio	5,390	7,115	8,840
Oklahoma	5,390	7,590	9,215
Oregon	5,390	7,115	8,840
Pennsylvania	5,390	7,115	8,840
Rhode Island	5,390	7,115	8,840
South Carolina	5,390	7,115	8,840
South Dakota	5,390	7,115	8,840
Tennessee	5,390	7,115	8,840
Texas	5,390	7,115	8,840
Utah	5,390	7,115	8,840
Vermont	5,390	7,115	8,840
Virginia	5,390	7,115	8,840
Washington	5,390	7,115	8,840
West Virginia	5,390	7,115	8,840
Wisconsin	5,510	7,925	9,350
Wyoming	5,390	7,115	8,840

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

Federal Register

Vol. 46, No. 87

Wednesday, May 6, 1981

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs—Continued

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Guam	5,390	7,115	8,840
Puerto Rico	5,390	7,115	8,840
Virgin Islands	5,390	7,115	8,840

For families of more than three persons in the household, add the appropriate supplement for each member over three as follows:

	Per person
In the 48 contiguous States	\$1,725
Alaska	2,150
Hawaii	1,975

Signed, this 30th of April, 1981.

Dana B. Rodgers, Jr.,

Acting Director.

[FR Doc. 81-13588 Filed 5-5-81; 8:45 am]

BILLING CODE 8050-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Cedar Valley Livestock Exchange, Inc., Vinton, Iowa, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are therefore, no longer subject to the provisions of the Act.

Facility No., Name and location of stockyard	Date of posting
IA-226 Cedar Valley Livestock Exchange, Inc., Vinton, Iowa	May 23, 1959
NE-174 Scottsbluff Livestock Auction, Inc., Scottsbluff, Nebraska	November 28, 1938
NY-123 Kennedy's Commission Auction, Hudson Falls, New York	July 24, 1967
TN-160 Shelbyville Livestock Market, Shelbyville, Tennessee	May 8, 1959

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective May 6, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 30th day of April, 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch,
Livestock Marketing Division.

[FR Doc. 81-13589 filed 5-5-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

Availability of Locations and Treatments for the 1981 Cooperative Gypsy Moth Regulatory Program Activities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of identification of specific locations and treatments for the 1981 United States Department of Agriculture (USDA) Cooperative Gypsy Moth Regulatory Program Activities.

SUMMARY: This notice identifies specific locations and treatments for the 1981 USDA Cooperative Gypsy Moth Regulatory Program Activities in accordance with the final Gypsy Moth Programmatic Environmental Impact Statement (PEIS). The final Programmatic Environmental Impact Statement (USDA)-FS-FEID 81-01 for the USDA Cooperative Gypsy Moth Suppression and Regulatory Program was sent to the Environmental Protection Agency and the public on February 27, 1981. On March 6, 1981, a notice was published in the Federal Register by EPA that a final PEIS on the Cooperative Gypsy Moth Suppression and Regulatory Program had been prepared.

ADDRESS: Requests for a copy of this notice should be addressed to: Pest Programs Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 630, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Gary Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, Room 630, Hyattsville, MD 20782, (301) 436-8745.

SUPPLEMENTARY INFORMATION: The Forest Service and the Animal and Plant Health Inspection Service of the United States Department of Agriculture prepared a final PEIS on the Cooperative Gypsy Moth Suppression and Regulatory Program. While both of these Agencies conduct separate

programs related to gypsy moth, the Department believed that a joint PEIS would represent, from an economic and resources viewpoint, the best approach to conducting an environmental review of the separate program.

The APHIS Cooperative Gypsy Moth Regulatory Program is comprised of two basic phases. The first phase involves quarantine and inspectional activities focused on lowering the risk of spread of the gypsy moth from within the generally infested area of the Northeast.

The second phase deals specifically with the elimination in individual States of isolated gypsy moth infestations outside of generally infested areas of the Northeast. In accordance with the PEIS, the following additional information regarding these individual State regulatory programs is provided.

The specific locations and treatments in the individual States for the 1981 Cooperative Gypsy Moth Regulatory Program are as follows:

	Acres	No. of Applications Ground (G), Air (A)	Material	a.i./acre or No. per acre
Virginia: Floyd	1,400	2 (A)	Dimilin	0.03
Ohio:				
Stark	300	2 (A)	Sevin 4-0il	1
Ottawa	700	2 (A)	Dylox	1
Montgomery	200	2 (A)	Sevin 4-0il	1
Michigan:				
Kalamazoo	600	2 (A)	Sevin 4-0il	1
Oakland	700	2 (A)	Sevin 4-0il	1
Wayne	400	2 (A)	Sevin 4-0il	1
Kent	225		Traps	3
	500	2 (A)	Thuricide	1
	1,040	1 (A)	Disparlure	20 grams
Illinois:				
Dupage	50	2 (A)	Sevin 4-0il	1
Lake	38	2 (A)	Sevin 4-0il	1
McHenry	100	2 (A)	Thuricide	1
	400		Traps	3
Wisconsin:				
Waukesha	1	1 (G)	Sevin 80S	1
	150	1 (A)	Disparlure	20 grams
Outagamie	160		Traps	3
Nebraska: Lancaster	2,000		Traps	0.08 (49/mi. ²)
Washington:				
King	1,500		Traps	3
	<10	2 (G)	<i>Bacillus thuringiensis</i>	1
Clark	<10	2 (G)	Sevin XLR	1
Oregon: Marion	<20	2 (G)	Orthene	0.5
California: Orange	<150	2 (G)	Sevin 50WP	1

The isolated infestations are unique in that populations are usually low, limited in distribution and distant from other infestations. Because of this unique nature, development of approaches toward their elimination must be done at the actual isolated locations. The Integrated Pest Management approach, which is discussed and evaluated in the final PEIS outlines new approaches such as the use of pheromone, pheromone traps, and *Bacillus thuringiensis* which are being implemented at some of the above listed locations. Some of these approaches have demonstrated effective population reduction potential, however, several seasons may be necessary to eliminate gypsy moths entirely.

Done at Washington, D.C., this 1st day of May, 1981.

William F. Helms,

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

[FR Doc. 81-13663 Filed 5-5-81; 8:45 am]

BILLING CODE: 3410-34-M

Federal Grain Inspection Service

Official Agency Voluntary Cancellation; Request for Applications for Official Agency Designation

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Applications.

SUMMARY: This notice announces that the Illinois Department of Agriculture, Springfield, Illinois, has requested cancellation of its designation as an official agency effective 12 p.m., June 30, 1981. The Federal Grain Inspection Service (FGIS) requests applications for designation as a replacement agency for the geographic area serviced by the Illinois Department of Agriculture.

EFFECTIVE DATE: Applications to be postmarked on or before May 21, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, Auditors

Building, Room 2405, Washington, DC 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

The Illinois Department of Agriculture (the Agency), Springfield, Illinois, was designated as an official agency under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the Act), for the performance of official grain inspection functions on November 13, 1978. The Agency has requested voluntary cancellation of its designation effective 12 p.m., June 30, 1981.

Prior to requesting voluntary cancellation, the Agency requested amendment of its designation to delete a portion of its assigned geographic area in northern Illinois. A notice was published in the April 15, 1981, issue of the *Federal Register* (46 FR 22014) which amended the Agency's designation deleting this geographic area and assigned it on an interim basis for 1 year to Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa.

The Agency is presently performing official inspection services in its assigned geographic area and will continue to do so until 12 p.m., June 30, 1981. The geographic area presently assigned to the Agency pursuant to Section 7(f)(2) of the Act and which is open for designation is the following:

Bounded: on the North by the Northern Pike and Green County lines; the northern Macoupin County line east of State Route 111; a straight line from the junction of State Route 111 and the Macoupin County line southeast to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately one mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines; the northern and eastern Jasper County lines south to State Route 33; State Route 33 east-southeast to U.S. Route 50; U.S. Route 50 east to the eastern Lawrence County line; Bounded: on the East by the eastern Lawrence, Wabash, Edwards, White, Gallatin, Hardin, and Pope County lines;

Bounded: on the South by the southern Pope and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51;

State Route 51 south to the Mississippi River; and

Bounded: on the west by the Mississippi River north to Interstate 270; Interstate 270 east to Interstate 70; Interstate 70 east to State Route 4; State Route 4 north to Macoupin County; the southern and western Macoupin, Greene, and Pike County lines.

In addition, the following locations which are outside of the foregoing contiguous geographic area, and have been serviced by the Agency, are considered as part of this geographic area:

1. Huisinga Grain, Inc., Casey, Illinois, in Clark County;

2. Twin County Service at Jacobs and Jones Ridge, Illinois, in Jackson County; and

3. Sigel Elevator Company, Inc., Sigel, Illinois, in Shelby County.

Exceptions to the described geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Springfield Grain Inspection Department, Springfield, Illinois:

1. Pillsbury Co., Florence, Illinois, in Pike County; and

2. OK Grain Company, Litchfield, Illinois, in Montgomery County.

Under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder, interested parties are hereby given opportunity to apply for designation as the official agency to perform official inspection services in the geographic area presently assigned to the Agency, as described above. The new designation will terminate on September 30, 1984, but may be renewed subject to the provisions of Section 7(A) of the Act. Parties wishing to apply for the designation should contact the Director, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than May 21, 1981 to be eligible for consideration.

In order to be qualified for designation, applicants must meet all criteria contained in Section 7(f)(1) of the Act. In making a determination as to which applicants are qualified to provide official inspection services in the geographic area serviced by the Agency, consideration will be given to applications submitted and all of the information available to the Administrator. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director, Compliance Division, during regular business hours.

(Section 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Done in Washington, DC on: May 1, 1981.

Neil E. Porter,

Acting Director Compliance Division.

[FR Doc. 81-13665 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-02-M

Request for Comments on Application for Designation in the State of New York

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Federal Grain Inspection Service requests comments from interested parties on the application for designation as an official agency by the New York State Department of Agriculture and Markets.

DATE: Comments to be postmarked on or before June 5, 1981.

ADDRESS: Comments should be submitted to USDA, FGIS, Issuance and Coordination Staff, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT:

J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291, therefore, the document does not apply to this action.

The December 17, 1980, issue of the *Federal Register* (45 FR 83187) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that A. E. Herron, Pittsford, New York, has requested voluntary cancellation of its designation as an official agency under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) (the Act) and requesting applications for designation as an official agency to provide official inspection and weighing services in Pittsford Township, New York, and the remainder of the State of New York, excluding export port locations. The notice also requested comments on the need for a replacement agency and for official inspection and weighing services in the remainder of the State of New York. Applications and comments were to be postmarked by February 17, 1981.

There were three comments received expressing the need for official inspection services in Pittsford Township and the remainder of the State of New York. One commentor stated that "the loss of . . . service will be an inconvenience with possible economic loss to farmers and grain dealers of Central New York." FGIS is

now providing interim official grain inspection services in the State of New York except for Pittsford Township.

The Division of Farm Products Services, New York State Department of Agriculture and Markets (NYS DAM), Building 8, State Campus, Albany, New York 12235, has applied for designation to operate as an official agency in the entire State of New York, excluding export port locations. In its application, the State of New York has indicated that at least 19 firms throughout the State have shown an interest in obtaining official grain inspection services.

Further, in the past, FGIS has occasionally provided official inspection services to applicants in various locations throughout the State of New York excluding export port locations and Pittsford Township. Accordingly, the Administrator has determined that there is a need for official grain inspection service in the entire State of New York and has NYSDAM's application for designation as an official agency under consideration. Also, it appears that there is no need for official weighing services at this time; however, FGIS will review the situation in the future if the need should arise.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and be postmarked not later than June 5, 1981.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the Federal Register and the applicant will be informed of the decision in writing.

The December 17, 1980, Federal Register (45 FR 83187) announced that A. E. Herron had voluntarily requested cancellation of his designation as an official agency and the effective date would be May 31, 1981. Since that time, A. E. Herron has requested that the effective date of the cancellation of his designation as an official agency be changed so as to correspond with the designation of an official agency in the State of New York, excluding export port locations.

Consequently, A. E. Herron will continue to provide official inspection services in Pittsford Township until a final determination can be made in this matter. FGIS is and will continue to provide official inspection services to

the remainder of the State of New York at nonexport port locations on an interim basis until an official agency can be designated. FGIS will continue to provide official services at export port locations in the State of New York in accordance with Section 7(e)(1) of the Act (7 U.S.C. 79(e)(1)).

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Done in Washington, DC on: May 1, 1981.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 81-13664 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 9:30 a.m., May 30, 1981, in Moscow, Idaho. An exact meeting place will be determined, but is tentatively set for the School of Forestry, University of Idaho. The purpose of this meeting is to review research reports.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho 83530; telephone 208/983-1950. Written statements may be filed with the committee before or after the meeting.

Dated: April 28, 1981.

Don Biddison,

Forest Supervisor.

[FR Doc. 81-13622 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-11-M

[Amdts. 2, 3 and 4]

Tongass National Forest, Ketchikan, Area; U.S. Borax 1980-83, Plan of Operation for Mineral Exploration Activities on Quartz Hill; Finding of No Significant Impact

Based upon the analysis and evaluation described in the environmental assessment, it is my decision to adopt Alternative 2 for protection and management of surface resources at Quartz Hill with the following modification. The road survey on the Blossom Route must be limited to a survey of equal detail and of no more impact to surface resources than the survey previously done in the Keta Drainage. This means that clearing of vegetation must be kept to the minimum necessary for line of sight.

Alternative 2 with specified mitigation and monitoring measures protects the resources within reason at the same time permitting exploration in accordance with mining laws.

I have determined through environmental analysis that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) the project is consistent with management direction within the Southeast Alaska Area Guide, (b) the project is within the intent of the Alaska National Interest Lands Conservation Act; (c) there will be no irreversible or irretrievable commitments of loss of resources; (d) no cultural or archeological resources were found or are known to exist in the project area; (e) no known threatened or endangered plants or animals are within the affected area; (f) there are no wetlands or floodplains involved; (g) the proposed action is consistent with U.S. Mining Laws concerning protection of surface resources.

Implementation of these activities will take place on the date of signature. Questions regarding this decision should be sent to the Forest Supervisor's office, Federal Building, Ketchikan, Alaska 99901.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: April 17, 1981.

James S. Watson,

Forest Supervisor.

[FR Doc. 81-13544 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-4-185]

Fitness Determination of Chaparral Airlines, Inc.; Commuter Air Carrier

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-4-185, Order to Show Cause.

SUMMARY: The Board is proposing to find that Chaparral Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other

material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-4-185.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-4-185 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-4-185 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 30, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13066 Filed 5-5-81; 9:45 am]

BILLING CODE 6320-01-M

[Order 81-4-180]

Fitness Determination of Williams Air, Inc.; Commuter Air Carrier

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-4-180, Order to Show Cause.

SUMMARY: The Board is proposing to find that Williams Air, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825

Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-4-180 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-4-180 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 30, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13067 Filed 5-5-81; 9:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geographic confines of the Indianapolis Standard Metropolitan Statistical Area (SMSA) which includes the counties of Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan and Shelby; and the Gary Hammond, East Chicago SMSA which includes the counties of Lake and Porter. The project will operate at a cost not to exceed \$220,000 and the Project I.D. Number is 05-60-15326-00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

- preparation of business plans
- financial packaging
- industrial management assistance
- personnel management services
- marketing planning

and a broad range of other business services excluding legal services.

Eligibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 E. Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: LaVenita Webb, Grant Technician, Tel: (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This

program is not subject to the requirements of OMB Circular A-95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-13545 Filed 5-5-81; 9:45 am]

BILLING CODE 1350-53-M

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geographic confines of Milwaukee Standard Metropolitan Statistical Area (SMSA) which includes the counties of Milwaukee, Ozaukee, Washington, and Waukesha. The project will operate at a cost not to exceed \$110,000 and the Project I.D. Number is 05-60-25764-00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not-for-profit" or commercial entities). These firms must be capable of providing such services as:

- preparation of business plans
- financial packaging
- industrial management assistance
- personnel management services
- marketing planning

and a broad range of other business services excluding legal services.

Eligibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: LaVenie Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit the applicant must specify its profit status; i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11,600 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-13546 Filed 5-5-81; 9:45 am]

BILLING CODE 1350-53-M

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services

Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geographic confines of the St. Louis Standard Metropolitan Statistical Area (SMSA), which includes the City of St. Louis, the counties of St. Louis, Franklin, St. Charles, Jefferson, Missouri; and Madison, St. Clair, Clinton and Monroe counties, Illinois; and the Kansas City SMSA which includes the counties of Cass, Clay, Jackson, Platte and Ray counties, Missouri; and Johnson and Wyandotte counties, Kansas. Project will operate at a cost not to exceed \$338,000 and the Project I.D. Number is 07-10-50000-00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

- preparation of business plans
- financial packaging
- industrial management assistance
- marketing planning.

and a broad range of other business services excluding legal services.

Eligibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 E. Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: LaVenie Webb, Grant Technician; Tel: (312)353/0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status;

i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11,800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-13547 Filed 5-5-81; 8:45 am]

BILLING CODE 1350-53-M

National Oceanic and Atmospheric Administration

Issuance of Marine Mammal Permit; Auckland Zoological Park

On March 25, 1981, Notice was published in the *Federal Register* (46 FR 18575), that an application had been filed with the National Marine Fisheries Service by the Auckland Zoological Park for a permit to maintain four (4) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on April 29, 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 maintenance to the Auckland Zoological Park, 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, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13671 Filed 5-3-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit to Import Marine Mammals and Endangered Species; Carnegie Museum of Natural History

On March 25, 1981, notice was published in the *Federal Register* (46 FR 18576), that an application had been filed with the National Marine Fisheries Service by the Carnegie Museum of Natural History, 4400 Forbes Avenue, Pittsburgh, Pennsylvania 15213 for a Scientific Research Permit to import specimen material from pinnipeds and cetaceans including some species listed as endangered.

Notice is hereby given that on April 29, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, 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) to the Carnegie Museum of Natural History, 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 is the subject of this 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.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13670 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council, Its Scientific and Statistical Committee and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold public meetings.

DATES: The Council meeting will convene on Thursday, May 28, 1981, at approximately 9 a.m., and will adjourn on Friday, May 29, 1981, at approximately 5 p.m., at the Hotel Captain Cook, Anchorage, Alaska. The SSC meeting will convene on Tuesday, May 26, 1981, at approximately 12 p.m., and will adjourn on Wednesday, May 27, 1981, at approximately 5 p.m., at the Council's Headquarters Conference Room, 333 W. Fourth Avenue, Anchorage, Alaska. At that same time and date, the AP will meet in the Adventure Room of the Hotel Captain Cook. These meetings may be lengthened or shortened depending upon progress on the agenda items, and are open to the public.

PROPOSED AGENDA: Council—A detailed agenda will be sent to the public around May 13, 1981. The Council will hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council intends to discuss and may take further action on possible limited entry systems for both hand and power salmon trollers in the fishery conservation zone off Southeast Alaska. The Council will also give final consideration to the Bering Sea King Crab framework and joint statement of principles with the Alaska Board of Fisheries and the Board's actions at their March/April meeting. The Council may adopt the package and determine if conservation and management above levels currently provided by the State are necessary and, if so, what further action is required. The Council may also discuss inconsistencies between State

and Federal tanner crab regulations and recommend further actions. The Council is also scheduled to give final consideration to amendment #3 of the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan (FMP), which is designated to reduce the catch of incidental species in the Bering Sea. Preferred alternatives should be selected and direction given for final rewrite before submission of amendment #3 to the Secretary of Commerce. The Council will also discuss the next step for revisions to the Gulf of Alaska Groundfish FMP, and may also discuss the Herring FMP. The Council will also consider various contracts and research proposals.

SSC and AP—Agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT:

North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Dated: May 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13672 Filed 5-5-81; 8:48 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund; Notification of Claims

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 2-81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the *Federal Register* a notice of claims received under the Title IV Program. Any interested person may, within 30 days of publication of this Notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before June 5, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric

Administration (NOAA) Washington, D.C. 20235 (telephone 202-634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the *Federal Register* of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iii)). Each *Federal Register* notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, within 30 days following publication of this notice in the *Federal Register*, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted not later than 30 days after publication of this notice in the *Federal Register*.

The following claims have been received.

	Amount	Claim No.	Nature of loss and location
Gear loss	\$3,287.66	FCF-01-80	On 10-18-79 claimant lost 50 fathoms of bridle, set 9 x 40 doors, 2-35' nets, shackles, tickler chains, and 35' lines while trawling for shrimp at the following coordinates: 29°21.4' N, 92°21.7' W.
Economic loss	0		
Consequential loss	0		
Total	3,287.66		
Gear loss	5,739.30	FCF-06-80	On 12-07-79 claimant lost a pair 12 x 44 trawl doors, 2-75' nets, easy line, bridle, cable chain, trawl, rope and mud rollers while trawling for shrimp at the following coordinates: 28°23.9' N, 91°26.6' W.
Economic loss	0		
Consequential loss	0		
Total	5,739.30		
Gear loss	4,920.60	FCF-34-80	On 5-27-80 claimant lost 2-85' nets while trawling for shrimp at the following coordinates: 29°08.5' N, 91°30.1' W.
Economic loss	0		
Consequential loss	0		
Total	4,920.60		
Gear loss	2,635.75	FCF-36-80	On 6-22-80 claimant lost 2 nets, door, sled, and cables while trawling for shrimp at the following coordinates: 28°20.16' N, 91°41.24' W.
Economic loss	0		
Consequential loss	0		
Total	2,635.75		
Gear loss	6,360.15	FCF-37-80	On 6-22-80 claimant lost 4-55' nets and 2 pairs 11 x 42 doors while trawling for shrimp at the following coordinates: 29°06.2' N, 93°18.6' W.
Economic loss	0		
Consequential loss	0		
Total	6,360.15		
Gear loss	2,503.53	FCF-07-81	On 10-14-80 claimant lost 2-40' net, pair 10 x 40 doors, irons, bag, chafing gear, chain, and 14 days fishing time while trawling for shrimp at the following coordinates: 28°45.0' N, 92°36.2' W.
Economic loss	20,505.25		
Consequential loss	3,294.73		
Total	26,303.51		

Anyone wishing to submit evidence concerning any of these claims, or to

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing; not later than 30 days after publication of the notice of claim in the *Federal Register*. Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will no sooner than 30 days after publication of the notice of the claim in the *Federal Register*, forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the *Federal Register*. Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

become a party to any hearing, must contact, in writing, Mr. Michael L.

Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before June 5, 1981 (telephone (202) 634-4688).

Dated: April 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13675 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Limited Exclusive Patent License; Bristol Laboratories of Syracuse, N.Y.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bristol Laboratories of Syracuse, New York a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention "(N-Phosphonyl-L-Aspartato) (1, 2-diaminocyclohexane) Platinum (II)."

The invention is protected by U.S. Patent Application Serial Numbers 58,287 dated July 17, 1979 and 155,531 dated June 9, 1980. Copies of the patent applications may be purchased from the NTIS, Springfield, Virginia 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the *Federal Register* (44 FR 77231; December 31, 1979; *Government Inventions for Licensing* (November 27, 1979); and the Patent and Trademark Office's *Official Gazette* (January 29, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of New Drug Approval by the Food and Drug Administration, but not more than eight years from the effective date of the license agreement. The terms and conditions of the license 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 July 6, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of

practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

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

Melvin S. Day,

Director.

[FR Doc. 81-13668 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 2-3 June 1981.

Place: The Pentagon, Washington, DC (exact location can be obtained by contacting H. Pison, 697-9703)

Time: 0830-1700 hours, 2-3 June 1981 (Closed)

Proposed Agenda:

The ASB 1981 Summer Study participants will receive classified briefings, hold discussion, and provide study progress reports on "Equipping the Army in 1990-2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C² contribute most to efficient, integrated combat capability with desired characteristics of

deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pison,

Administrative Officer.

[FR Doc. 81-13549 Filed 5-5-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Multiple-Purpose Millican Lake and Brazos, Madison, Leon, Robertson, and Grimes Counties, Texas

AGENCY: Army Corps of Engineers, DOD, Fort Worth District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purposes of this project are to promote storage for flood control and water supply and facilities for recreation and fish and wildlife enhancement in the lower Navasota River Watershed and Brazos River Basin. The project is located near the city of College Station, Texas.

2. Reasonable Alternatives. The alternatives to be evaluated are other reservoirs, flood plain evacuation, flood proofing, well fields, channelization, levels, no action, and combinations of alternatives.

3. Scoping Process. a. Public Involvement. A public involvement program will be conducted by the Fort Worth Army Engineer District as a means of disseminating information and soliciting public views. The techniques used will be a formal public meeting, an informal workshop, mailed literature, and coordination with Federal, State, and local agencies, organizations, and the interested public.

b. Significant Issues Requiring In-Depth Studies. Presence of minable lignite and active oil and gas fields.

c. Assignments. U.S. Fish and Wildlife Service will prepare a Coordination Act report.

d. Environmental Review and Consultation Requirements. The draft statement will be circulated for review, and all comments will be incorporated into the final environmental statement.

4. A scoping meeting will not be held.

5. The DEIS is expected to be available to the public in March 1982.

ADDRESS: Person to contact for additional information is Mr. William Fickel, Jr., Acting Chief, Environmental Resources Section, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, Texas 76102, telephone 817-334-2095.

Dated: April 27, 1981.

Donald J. Palladino,

Colonel, CE, District Engineer.

[FR Doc. 81-13623 Filed 5-5-81; 8:45 am]

BILLING CODE 3710-FR-M

Department of the Navy

Privacy Act of 1974; Deletion of Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Deletion of twelve systems of records notices.

SUMMARY: The Department of the Navy is deleting twelve notices for systems of records from its inventory of systems of records subject to the Privacy Act of 1974, Title 5 U.S. Code 552a (Pub. L. 93-579).

DATES: The proposed actions will be effective without further notice on June 5, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81-897 (46 FR 6896) January 21, 1981

FR Doc. 81-3277 (46 FR 9693) January 29, 1981

FR Doc. 81-10892 (46 FR 21226) April 9, 1981

April 30, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer,

Washington Headquarters Services,

Department of Defense.

N00014ONR 400-1

System name:

Principal Investigator Record of Active Contracts (46 FR 6720), January 21, 1981.

Reason:

This system has been discontinued.

N6423 NMRI

System name:

Kidney Transplant Histocompatibility Study (46 FR 6787), January 21, 1981.

Reason:

This system has been discontinued.

N60258-002

System name:

Welfare and Recreation Ticket Selection Program (46 FR 6771), January 21, 1981.

Reason:

This system has been discontinued.

N00159 D-3/01

System name:

Seismic Survey List of Companies Involved in Outer Continental Shelf (46 FR 6759) January 21, 1981.

Reason:

This system has been discontinued.

N00175 03004

System name:

Staff Judge Advocate's Memorandum File (46 FR 6761), January 21, 1981.

Reason:

This system has been discontinued.

N00060

System name:

List of Cuban Exile Families at U. S. Naval Base Guantanamo Bay, Cuba (46 FR 6753) January 21, 1981.

Reason:

This system has been discontinued.

N00063 FTAR

System name:

Field Training Assistance Representatives (FTAR) File (46 FR 6756), January 21, 1981.

Reason:

This system has been discontinued.

N00251 080

System name:

Pudget Sound Naval Shipyard, Navy Exchange Tobacco Sales (46 FR 6765), January 21, 1981.

Reason:

This system has been discontinued.

N63285 03

System name:

Defense Central Index of Investigations (DCII) (46 FR 6779), January 21, 1981.

Reason:

This system is adequately described by the Defense Investigative Service system of records #V502, Defense Central Index of Investigations (DCII) which appeared in Federal Register (46 FR 6854) January 21, 1981.

N60530-1

System name:

Bibliography (46 FR 6771), January 21, 1981.

Reason:

This system has been discontinued.

N66001-TECHAUTHIND

System name:

Technical Paper/Author Cross Index System (46 FR 6793), January 21, 1981.

Reason:

This system has been discontinued.

N09520-CMIS

System name:

Courts-Martial Index and Summary (46 FR 6767), January 21, 1981.

Reason:

This system has been discontinued.

[FR Doc. 81-13603 Filed 5-5-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangements; Peace Application of Atomic Energy; United States and International Atomic Energy Agency

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the supply of 5.2 grams of plutonium-oxide to the Central Control Laboratory, Nuclear Research Center, Czechoslovak Socialist Republic under Contract Number WC-IA-115, and for the supply of 86.9 grams of uranium enriched to

2.35% in U-235 and 20.0 grams of uranium enriched to 3.1% in U-235 under Contract Number WC-IA-109.

These materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than May 21, 1981.

For the Department of Energy.

Dated: May 1, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-13601 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale to Sweden of 296.8 grams of normal uranium oxide and 100 grams of uranium oxide enriched to 2.09% in U-235, to be used as standard reference material, under Contract Number S-SW-58.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 21, 1981.

For the Department of Energy.

Dated: May 1, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-13602 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

Uranium Hexafluoride; Separative Work Charges and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces revisions to the Notice entitled "Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium" published in the Federal Register on September 29, 1977 (42FR51636), as amended by 43FR49831 on October 25, 1978, 44FR51297 on August 31, 1979, and 45 FR 50928 on July 31, 1980, hereinafter referred to as the Notice.

Paragraph 1 of the Notice is deleted and the following paragraph 1 is inserted in lieu thereof:

1. *Separative Work Charges.* (a) The charge per separative work unit furnished pursuant to Requirements-type contracts is \$119.00 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge. Effective (Insert date 180 calendar days after publication) the charge per separative work unit furnished pursuant to Requirements-type contracts will be \$141.15 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

(b) The charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contracts is \$110.00. Effective October 1, 1981 the charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contracts will be \$130.75.

(c) The charge per separative unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts is \$110.00. Effective October 1, 1981 the charge per separative work unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts will be \$130.75.

Issued in Washington, D.C. on April 30, 1981.

John W. Crawford, Jr.

Deputy Assistant Secretary for Nuclear Energy.

[FR Doc. 81-13600 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Kimbark Operating Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: April 17, 1981.

Comments by: June 5, 1981.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226, (303) 234-3195.

SUPPLEMENTARY INFORMATION: On April 17, 1981, the Office of Enforcement executed a Consent Order with Kimbark Operating Company (KOC) of Denver, Colorado. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

KOC, with its home office located in Denver, Colorado, is a crude oil producer as defined in 10 CFR 212.31 and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of KOC, the Office of Enforcement of ERA and KOC entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that during the audit period certain volumes of crude oil produced and sold from the Otto No. 2 Lease were improperly characterized as "stripper well" crude oil exempt from the "old" oil or "lower tier" ceiling price rule contained in 10 CFR 212.73. The ERA further alleged that during the August 1, 1975 through December 31, 1980 (audit period) certain sales of crude oil were made by KOC at prices in excess of the maximum allowable prices in violation of 10 CFR Part 212, Subpart D.

2. KOC has agreed to pay \$11,000 into a special fund administered by ERA in settlement of the alleged overcharges to its customers during that period.

3. KOC has agreed to pay a civil penalty of \$1,200.00.

4. The provisions of 10 CFR 205.199] are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, KOC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of KOC's sales to its customers during the audit period, the sum of \$11,000, on or before May 20, 1981. Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submissions of Written Comments

A. Potential Claimant: Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the

terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234-3195.

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 Kimbar Operating Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 5, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f) and 10 CFR 1004.11.

Issued in Lakewood, Colorado, on the 17th day of April, 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District, Economic Regulatory Administration.

Concurrence by:

James A. Forrester,

Acting Regional Counsel.

[FR Doc. 81-13599 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4429-000]

Capital Development Co.; Application for Preliminary Permit

April 30, 1981

Take notice that Capital Development Company (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4429 to be known as Section 10 Diversion Project located on Clear Fork, Little Lava Creek, Lava Creek, and Dam Creek in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert Blume or John Terpstra, Capital Development Company, No. 4 South Sound Center, P.O. Box 3487, Lacey, Washington 98503. 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) four 10-foot high overflow concrete diversion dams, one each located on Clear Fork, Little Lava Creek, Lava Creek, and Dam Creek; (2) four intake structures; (3) a 9.7-mile long canal; (4) a 0.75-mile long penstock; (5) a powerhouse containing one generating unit rated at 67 MW; and (6) an 8-mile long transmission line.

The Applicant estimates that the average annual energy output would be 300 million kWh.

Purpose of Project.—The energy generated by the project would be sold to the Lewis County Public Utility District.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geotechnical studies, conduct environmental studies, consult with agencies, make an economic and feasibility analysis, perform final designs, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be \$250,000.

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 July 6, 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 September 4, 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 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 July 6, 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. 4429. 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. 81-13570 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4400-000]

**The City of Kalispell, Montana;
Application for Preliminary Permit**

April 30, 1981.

Take notice that the City of Kalispell, Montana (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4400 to be known as the Clark Canyon Dam Project located on the Beaverhead River in Beaverhead County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 South 300 West, Salt Lake City, Utah 84115. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Department of the Interior's (Water and Power Resources Service) Clark Canyon Dam. The proposed project would consist of: (1) a proposed powerhouse with an installed generating capacity of 5 MW; (2) a proposed penstock; (3) a proposed tailrace; (4) a proposed 400-foot long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 22.3 GWh.

Purpose of Project—The Applicant proposes to sell the energy output to either Montana Power Company, Vigilante REC, or other power users in the northwest.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$47,000.

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 Western Montana Electric Generating and Transmission Cooperative, Continental Hydro Corporation, and ENERGENICS SYSTEMS, INC., Projects Nos. 3530, 3549 and 3956, respectively, which were filed on October 7, 1980, October 9, 1980, and January 12, 1981, respectively, 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 June 1, 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. 4400. 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. 81-13371 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4327-000]

**Consolidated Hydroelectric, Inc.,
Application for Preliminary Permit**

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4327 to be known as The Little Grider Creek, Siskiyou Power Project located on Little Grider Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Divis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) and 80-foot long, 5-foot high concrete and rock diversion structure; (2) a 3,700-foot long diversion conduit or channel; (3) a 1,000-foot long, 39-inch diameter penstock; (4) a powerhouse containing generating units with a total rated capacity of 1,370 kW; and (5) a 0.5-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 5.4 million kWh.

Purpose of Project—The project energy will be sold to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and economic feasibility studies and prepare an FERC license application. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitted, 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 July 6, 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 September 4, 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 of 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 July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing application, 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. 4327. 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. 81-13372 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4435-000]

**Damnation Peak Power Co.;
Application for Preliminary Permit**

April 30, 1981.

Take notice that Damnation Peak Power Company (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4435 to be known as Damnation Creek Project located on Damnation Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sherri Lee, 2100 Electric Avenue, #326, Bellingham, Washington 98225. 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 4-foot high and 150-foot long prefabricated steel and concrete diversion weir; (2) a 7,000-foot long penstock; (3) a settling basin; (4) a powerhouse containing one generating unit rated at 2,000 kW; and (5) a transmission line. Damnation Creek is a tributary to the Skagit River, a part of the wild and scenic rivers system. The Applicant estimates that the average annual energy output would be 12 million kWh.

Purpose of Project—The energy generated by the proposed project would be sold to the Puget Sound Power and Light Company or to another local utility.

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 conduct engineering, economic, feasibility and environmental studies, and prepare an FERC license application. Test boring may be performed at the diversion, penstock, and powerhouse sites. No new roads would be required to conduct the studies. The cost of these studies to be performed under the preliminary permit is estimated to be \$125,000.

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 July 6, 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 September 4, 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—Any one 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 July 6, 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. 4435. 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. 81-13573 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-106]

Intrastate Gathering Corp.; Filing of Extension Report

May 1, 1981.

Take notice that on April 6, 1981, Intrastate Gathering Corporation (Applicant), P.O. Box 32999, San Antonio, Texas 78216, filed in Docket No. ST79-106 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Applicant's intention to extend its gathering and transportation agreement with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for an additional two year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with Tennessee dated July 5, 1979, and now proposes to extend such agreement for a term of two years ending July 5, 1983.

Applicant asserts that under the terms of its agreement with Tennessee, natural gas belonging to Tennessee would be gathered from Gulf Oil Corporation's wells and transported by Applicant's gathering system. It is submitted that additional wells may be added pursuant to the agreement. Applicant further asserts that the gas would then be redelivered by Applicant to Tennessee at the following points (a) Webb redelivery point, Webb County, Texas; (b) Crockett redelivery point, Zapata County, Texas; and (c) Sullivan redelivery point, Hidalgo County, Texas.

Applicant states that the rates to be charged for gas gathered, transported and redelivered at the Webb, Crockett, and Sullivan redelivery points would be 5.0 cents per Mcf, 15.0 cents per Mcf, and 5.0 cents per Mcf, respectively.

Applicant estimates that the total and daily volumes to be gathered and transported during the term of the gas transportation agreement would be 25,000,000 Mcf and 35,000 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lola D. Cashell,

Acting Secretary.

[PR Doc. 81-13574 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4311-000]

Iron Mountain Mines, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Iron Mountain Mines, Inc. (Applicant) filed on March 10, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r) for proposed Project No. 4311 to be known as Iron Mountain Mines, Inc. Project located on Spring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: T. W. Arman, President, Iron Mountain Mines, Inc., 1900 Point West Way, Suite 102, Sacramento, California 95815. 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 concrete diversion structure; (2) a 4,200-foot long conduit; (3) a 2,100-foot long and 30-inch diameter steel penstock; (4) a powerhouse containing one generating unit rated at 750 kW; (5) an afterbay; (6) a 3,200-foot long conduit; (7) a 30-inch diameter penstock; (8) a powerhouse containing one generating unit rated at 550 kW; (9) a tailrace; and (10) transmission lines.

The Applicant estimates that the average annual energy output would be 13.2 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of 24 months during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be \$25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the 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 July 6, 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 September 4, 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 July 6, 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. 4311. 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.

[PR Doc. 81-13575 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4297-000]

Metropolitan District of Hartford County, Connecticut; Application for Preliminary Permit

April 30, 1981.

Take notice that The Metropolitan District of Hartford County, Connecticut (Applicant) filed on March 6, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r) for proposed Project No. 4297 to be known as the Colebrook Project located on the West Branch and East Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 01601. 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 the Goodwin Dam development and the Colebrook River Lake Dam development. The Goodwin Dam is located 57 river miles upstream of the confluence of the Connecticut River and the West Branch of the Farmington River. The Colebrook River Lake Dam is located approximately two miles upstream of the Goodwin Dam.

The proposed Goodwin Dam development would include: (1) an existing earth dam having a height of 135 feet and a length of 900 feet; (2) a reservoir with a storage capacity of 6.5 billion gallons; (3) water conveyance and power facilities; and (4) appurtenant works. The existing facilities at the Goodwin Dam are currently owned by The Metropolitan District of the County of Hartford.

The proposed Colebrook Dam development would utilize the U.S. Army Corps of Engineers' existing Colebrook River Lake Dam and Reservoir. The development would consist of water conveyance and power facilities, along with appurtenant works.

The Applicant proposes to develop and operate the Colebrook Project in conjunction with the Collinsville Project No. 4117, for which it has previously filed an application for preliminary permit. Among the alternatives being considered by the Applicant is the diversion of flows from the Colebrook Project to the Barkhamsted Reservoir of the Collinsville Project by means of two proposed water conduits.

The Applicant describes several possible design alternatives in its application for the Colebrook Project No. 4297. These alternatives would result in a total installed capacity at the project of between 4,700 and 5,400 kW, and an estimated average annual net generation of between 16,000,000 and 17,900,000 kWh.

Purpose of Project—Project power would be sold to a local public utility or to users of power in the project area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate the hydraulic, power generation, construction, economic, environmental, historic, and recreational aspects of the

project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license. Applicant estimates the cost of studies under the permit would be \$150,000.

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 the Goodwin-Colebrook Project No. 3270, filed on July 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 1, 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. 4297. 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.W., 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. 81-13376 Filed 5-5-81; 8:45 am)

BILLING CODE 6450-65-M

[Docket No. SA81-25-000]

Texas Oil & Gas Corp.; Application for Staff Adjustment

May 1, 1981.

Take Notice that on April 13, 1981, Texas Oil Gas Corporation (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and section 1.41 of the Commission's Rules of Practice and Procedure an application for adjustment. Applicant seeks relief from § 273.202(b) of the Commission's regulations issued under the NGPA.

Specifically Applicant states that it drilled the Erck #5 Well in the 8,500' zone of the McGill reservoir on January 21, 1978 and on December 8, 1978 applicant filed an application with the Railroad Commission of Texas (RRC) for a well category determination pursuant to section 102(c)(1)(C) of the NGPA. Applicant additionally states that it plugged back and recompleted the Erck #5 Well in the 8,130' zone of the McGill reservoir and that it did not appreciate the import making another application for a well category determination under section 102(c)(1)(C). Allegedly, due to clerical inadvertence the application was not filed until September 1 of 1979. On September 28, 1979, in addition to filing the application for the well category determination, applicant states

that it filed for interim collection under 18 CFR 273.202. The RRC notified the applicant by letter dated June 10, 1980, that the Applicant's application was incomplete. The Applicant states that it completed its application on October 27, 1980, and by letter dated December 30, 1980, the RRC notified the Applicant that its application met the requirements of section 102(c)(1)(C). The determination became final by operation of law on March 26, 1981.

The Applicant requests that the Commission grant the adjustment to permit it to collect the section 102 price for gas delivered to Florida Gas Transmission produced from the Erck #5 Well in the 8,130' zone of the reservoir from the date of initial deliveries from the new proration unit, February 27, 1979, rather than the date of the filing of the Applicant's application with the State jurisdictional agency.

Applicant asserts that the denial of the relief requested will cause it to suffer special hardship, inequity, and unfair distribution of burdens by restricting it to collection of a price lower than that authorized by the NGPA for gas produced under the foregoing circumstances.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before May 21, 1981.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13577 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-274-000]

Transcontinental Gas Pipe Line Corp.; Application

May 1, 1981

Take notice that on April 6, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-274-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Ascension Parish, Louisiana, and the recovery of the prices paid for the refinery gas to be purchased from Good Hope Refineries, Inc. (Good Hope)

through inclusion of such costs in the operation of Applicant's purchased gas adjustment (PGA) clause, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a February 11, 1981, gas purchase agreement with Good Hope to purchase up to 50,000 Mcf per day of the refinery output of flare gas, residue gas and other gases treated for pipeline usage (refinery gas). Applicant asserts that Good Hope has agreed to sell an average of 10,000 Mcf of refinery gas per day during the first year and not less than an average of 25,000 Mcf per day thereafter and that if Good Hope has available for sale volumes of gas in excess of 50,000 Mcf per day then Applicant would have the right but not the obligation to purchase excess volumes. Applicant further states that the agreement would remain in effect for a primary term of 15 years from the date of first delivery and from year to year thereafter. Applicant maintains that the purchase of refinery gas would provide an important and stable long-term supply source to augment the total gas supply available to Applicant's customers and would significantly reduce emissions from the Good Hope refinery.

In order to receive into its system quantities of the refinery gas, Applicant herein proposes to construct and operate certain tap, metering, regulating and other appurtenant facilities to be located at Mile Post 57.48 on Applicant's Southeast Louisiana Lateral in Ascension Parish, Louisiana.

Applicant states that the cost of the proposed facilities would be \$313,300 which would be financed initially through short-term loans and available cash with permanent financing undertaken as part of an overall long-term financing program at a later date.

Applicant further proposes that § 22.3(b) of the General Terms and Conditions contained in Applicant's FERC Gas Tariff, Original Volume No. 1 be amended so as to include the costs of refinery gas purchased from Good Hope in the operation of Applicant's PGA clause, as refinery gas is a by-product of the crude oil refining process and thus a type of synthetic natural gas. It is stated that Good Hope has agreed to charge Applicant the equivalent on an energy content basis of one hundred percent of the prevailing price per million Btu of No. 2 fuel oil in the Mid-Atlantic region.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13576 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4093-000]

Tuscarora Yarns, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Tuscarora Yarns, Inc. (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4093 to be known as the Bynum Dam Project located on the Haw River in Chatham County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Martin Foil Jr., President, Tuscarora Yarns, Inc., P.O. Box 218, Mt. Pleasant, North Carolina 28124. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified

for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 12-foot high and 900-foot long stone masonry dam consisting of an uncontrolled spillway, headworks, and a bulkhead; (2) an existing 20-acre reservoir with 100 acre-feet of gross storage capacity at the normal maximum surface elevation of 315 feet m.s.l.; (3) an existing 2,000-foot long headrace canal with a width varying from 25 to 40 feet; (4) an existing powerhouse with a proposed installed capacity of 2,530 kw and an annual average energy generation estimated to be 11,000 MWh; and (5) appurtenant facilities.

Purpose of Project—Tuscarora Yarns, Inc. Proposes to develop the hydroelectric potential of the project and sell the power output to either nearby towns such as Bynum or to Carolina Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic, and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$45,000.

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 July 6, 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 September 4, 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 of § 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 July 6, 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. 4093. 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. 81-13579 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

April 29, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held at 10:00 a.m. on May 12, 1981 in the Commission Meeting Room of the Federal Energy Regulatory Commission at 825 North Capitol Street, N.E., Washington, D.C.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13580 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-278-000]

United Gas Pipe Line Co.; Application

May 1, 1981.

Take notice that on April 8, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-278-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Mid Louisiana have entered into a November 14, 1980, gas transportation agreement providing for Applicant to transport natural gas which Mid Louisiana has obtained in the vicinity of Applicant's pipeline system in Morehouse Parish, Louisiana. It is stated that under the proposed transportation agreement Mid Louisiana would deliver or cause to be delivered volumes up to but not in excess of 1,000 Mcf per day to Applicant near Morehouse Parish, Louisiana. It is asserted that Applicant would transport and redeliver equivalent quantities, less 2.3 percent for fuel and company-use gas, to Mid Louisiana at existing points of interconnection between Applicant's

and Mid Louisiana's pipelines at the Scotland compressor site located in East Baton Rouge Parish, Louisiana, and/or the Fowler station in Ouachita Parish, Louisiana, and/or any other mutually agreeable existing authorized points of interconnection between the two companies' facilities.

Applicant further states that measuring facilities required in Morehouse Parish have been constructed pursuant to Applicant's budget-type authorization. It is asserted that the facilities are owned, operated and maintained by Applicant and that Mid Louisiana would reimburse Applicant for the total amount associated with the construction of facilities. It is stated that the measuring facilities necessary for Applicant to redeliver the subject gas to Mid Louisiana are existing facilities.

It is asserted that in the event Mid Louisiana has from time to time quantities of gas available for delivery to Applicant in excess of the 1,000 Mcf maximum daily quantity, Mid Louisiana may tender such gas for delivery to Applicant and Applicant may accept or refuse delivery of all or any part of such gas.

Applicant stated that the transportation agreement is for a term of five years beginning on February 3, 1981,¹ which is the day deliveries commenced and continuing year to year thereafter. It is stated that Mid Louisiana would pay Applicant for gas transported an amount equal to Applicant's jurisdictional transportation rate in effect from time to time in Applicant's northern rate zone as such may be determined less any amount included in the transportation rate which is attributable to fuel and unaccounted for gas. It is stated that the current jurisdictional transportation rate is 28.12 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13581 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-95-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-217; PH-FRL 1766-4]

Ciba-Geigy Corp.; Filing of Pesticide and Food Additive Petitions

Correction

In FR Doc. 81-6705 appearing on page 14956 in the issue of Tuesday, March 3, 1981, second column, sixth line from the top, " * * * election" should read " * * * electron".

BILLING CODE 1505-01-M

[OPTS-59044; TSH-FRL 17668]

Disazo Dye; Premanufacture Exemption Application

Corrections

In FR Doc. 81-6702 appearing on page 14956 in the issue of Tuesday, March 3, 1981; on page 14957, third column, fourteenth line from the top, "gracity" should read "gravity"; and in the fourth line of the paragraph beginning *Environmental Release/Disposal*, insert "and" after "manufacture".

BILLING CODE 1505-01-M

[AMS-FRL 1819-6]

Announcement of Fuel Economy Retrofit Device Evaluation for "Gastell"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Gastell" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the *Federal Register* a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of request for evaluation.—On November 11, 1979, the EPA received a request from Automotive Devices, Inc. for evaluation of a fuel saving device termed "Gastell." This Device is designed to provide the vehicle operator visual and audible indications of inefficient engine operating conditions so that the fuel-conscious drivers can modify their driving habits to obtain improved efficiency. An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gastell Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Copies of this report are available upon request.

¹ Pursuant to Subparts B and C of Part 284 of the Commission's Regulations and Applicant's blanket authorization granted in Docket No. CP80-137.

Availability of Evaluation Report.—An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gastell Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-8 consisting of 108 pages including all attachments.

EPA also tested the Gastell device. The EPA testing is described completely in the report "Evaluation of Gastell, a Device to Modify Driving Habits," EPA-AA-TEB-81-13, consisting of 47 pages. This report is contained in the preceding Gastell 511 Evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Center by using the above report numbers. Address requests to: National Technical Information Center, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telephone System (FTS) 737-4650, Commercial 703-487-4850.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the Gastell device was based on that information and the results of the EPA test program.

The EPA test program was conducted over an extended time period and consisted of two dynamometer test phases followed by a road test phase. The testing performed by EPA showed:

A. The Phase I testing consisted of a Federal Test Procedure (FTP) and a Highway Fuel Economy Test (HFET) dynamometer tests of the Gastell device. Overall, the use of the Gastell device as a driving aid did not show a significant effect on the vehicle's fuel economy or emissions for either the FTP or HFET.

B. The Phase II testing consisted of modified LA-4's (FTP) and acceleration rate studies conducted on the vehicle chassis dynamometer without using the Gastell device.

The more aggressive (greater acceleration rates) modifications of the LA-4 cycle developed showed little or no change in fuel economy when compared to the standard FTP (LA-4). Therefore, since the preceding tests with the Gastell device did not show an improvement in the vehicle's fuel economy for either the FTP or HFET, the Gastell device was not tested with these more aggressive driving cycles.

Evaluation of five vehicles on a test cycle consisting predominately of accelerations did show that during acceleration there was an average 14.6% improvement in fuel economy between a very low acceleration rate (1 mph/sec.)

and the highest acceleration rates used (up to 5 mph/sec.). There was an average 8.5% improvement in fuel economy between the moderate (2 mph/sec.) and highest acceleration rates. This indicates that reduced vehicle acceleration rates can improve fuel economy for some vehicle operation conditions. However, when these acceleration fuel economy improvements are adjusted for the average portion of driving time actually devoted to acceleration, the maximum fuel economy savings would be 1.9%; but, in consideration of the constraints of actual driving, a more realistic potential saving would be less than 0.5%. A similar analysis based on fuel consumed during acceleration modes yielded an average estimated improvement potential of 1.3.

C. Having found no appreciable fuel economy effects in Phases I and II using the vehicle dynamometer, a road test program, Phase III, was undertaken with the Gastell device. For the six combinations of vehicle and operator, in only one case did the use of the Gastell device cause an improvement in vehicle fuel economy greater than 1%. The amount of fuel economy improvement for this one case was 5% with the Gastell device. It is interesting to note that even for this one case, the other less aggressive driver's fuel economy in this vehicle was the same with or without the Device and 4% better than the driver who showed an improvement.

In general, the EPA testing of the Gastell device did not show a positive benefit from its use. None of the Phase I chassis dynamometer tests with the Device installed showed a positive fuel economy effect. Four vehicles of varying size and power-to-weight ratio were road tested in San Antonio (with from one to two drivers each) and only one vehicle/driver combination showed a fuel economy improvement (5%) with the Gastell device. It is concluded from the test data available that only drivers with aggressive driving behaviour (or other driving habits that involve excessive throttle manipulation) could benefit from use of this Device and then only if: (1) Their vehicle happened to have the fuel economy response characteristics that favorably matched the activation setting of the Device and (2) the driver consistently responded to the Device's signal and refrained from such aggressive driving.

Intuitively, many people might expect the principles behind the Gastell device to produce an improvement in fuel economy. In fact, at the beginning of the program, EPA evaluation engineers involved in the evaluation expected the

device to produce significant benefits and were surprised when the early data showed no effect on fuel economy. This evaluation has been more extensive than most such projects at EPA, but as a result, we are comfortable in supporting this evaluation.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-13055 Filed 5-5-81; 9:45 am]

BILLING CODE 6560-25-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

American Line, Inc. and American Cruise Lines, Inc., Haddam, Connecticut 06438.

Dated: April 30, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13059 Filed 5-5-81; 9:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Flora Corp.; Proposed Credit Insurance Activities

First Flora Corporation, Flora, Mississippi, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to act as agent or broker in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary, Bank of Flora, Flora, Mississippi. These activities would be performed from offices of Applicant's subsidiary in Flora and Bentonia, Mississippi, and the geographic areas to be served are

Madison County and Yazoo County, Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13635 Filed 5-5-81; 8:45 am]
BILLING CODE 6210-01-M

First Florida Banks, Inc.; Acquisition of Bank

First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Bank of Clearwater, Clearwater, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing,

identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13636 Filed 5-5-81; 8:45 am]
BILLING CODE 6210-01-M

Gravois Bancorp., Inc.; Formation of Bank Holding Company

Gravois Bancorp., St. Louis County, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Gravois Bank, St. Louis County, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13637 Filed 5-5-81; 8:45 am]
BILLING CODE 6210-01-M

Memphis Bancshares, Inc.; Formation of Bank Holding Company

Memphis Bancshares, Inc., Memphis, Texas, as applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First State Bank, Memphis, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than May 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 30, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13640 Filed 5-5-81; 8:45 am]
BILLING CODE 6210-01-M

Multi-Line, Inc.; Acquisition of Bank

Multi-Line, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 8.3 percent or more of the voting shares of First Florida Banks, Inc., Tampa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13638 Filed 5-5-81; 8:45 am]
BILLING CODE 6210-01-M

Northeastern Bancorp, Inc.; Formation of Bank Holding Company

Northeastern Bancorp, Inc., Scranton, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Northeastern Bank of Pennsylvania, Mount Pocono, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13609 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Ruston Bancshares, Inc.; Formation of Bank Holding Company

Ruston Bancshares, Inc., Ruston, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Ruston State Bank and Trust Company, Ruston, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13641 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y

(12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 28, 1981.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

FIRST MACOMB CORPORATION, 1 North Gratiot Avenue, Mt. Clemens, Michigan, (financing and lending activities; Michigan): to engage in making or acquiring loans and other extensions of credit such as would be made by a commercial finance institution, including commercial loans secured by a borrower's inventory, accounts receivable, fixed assets (both real and personal), leases or other assets, and servicing such loans. These activities would be conducted from an office located at 1 North Gratiot Avenue, Mt. Clemens, Michigan, serving Southeastern Michigan. Comments on this application must be received not later than May 23, 1981.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

FARMERS ENTERPRISES, INC., Albert, Kansas (finance activities; Kansas): to engage in the activity of making loans and other extensions of

credit for its own account or the account of its subsidiary, Farmers State Bank, Albert, Kansas. This activity would be conducted from an office in Great Bend, Kansas, serving Great Bend and surrounding areas in Barton County, Kansas. Comments on this application must be received not later than May 25, 1981.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. IMPERIAL BANCORP, Inglewood, California (financing activities; Arizona and California): to engage through a wholly-owned subsidiary, Imperial Creditcorp (the "Company") in the activities of making, acquiring, or placing loans and other extensions of credit for its own account, and for the account of others, and servicing such loans and other extensions of credit for its own account, and for the account of others in the State of California. These activities would be conducted from offices in California, serving the State of California.

The Company will also engage in insurance premium financing relating to commercial and consumer property and casualty insurance. This activity will be conducted from an office in Phoenix, Arizona, serving the State of Arizona.

2. SECURITY PACIFIC CORPORATION, Los Angeles, California (securities and commercial paper clearing and custodian activities; United States): to engage through its subsidiary, Security Pacific Clearing Services Corp., in certain clearing and custodian activities with respect to securities, commercial paper and similar instruments, such as acting as forwarding agent, coupon paying agent, and provider of trade confirmation services for securities, and acting as issuing and paying agent for commercial paper and similar instruments, as well as activities incident thereto, such as the making of call loans to securities dealers. These activities would be conducted from an office in San Francisco, California, serving the United States.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13662 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION**George Argyros; Early Termination of the Waiting Period of the Premerger Notification Rules****AGENCY:** Federal Trade Commission.**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mr. George Argyros is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Westgate California Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20480 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13649 Filed 5-5-81; 8:45 am]
BILLING CODE 6750-01-M

Buttes Gas & Oil Co.; Early Termination of the Waiting Period of the Premerger Notification Rules**AGENCY:** Federal Trade Commission.**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Buttes Gas & Oil Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting

securities of Dolphin International Inc. and certain assets of A/S Quatro. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13650 Filed 5-5-81; 8:45 am]
BILLING CODE 6750-01-M

CBI Industries Inc.; Early Termination of the Waiting Period of the Premerger Notification Rules**AGENCY:** Federal Trade Commission.**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: CBI Industries Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Integrated Drilling and Exploration Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 10, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of

Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13652 Filed 5-5-81; 8:45 am]
BILLING CODE 6750-01-M

William Lyon; Early Termination of the Waiting Period of the Premerger Notification Rules**AGENCY:** Federal Trade Commission.**ACTION:** Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mr. William Lyon is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Westgate California Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisition to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies,

in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13651 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

Lord Thomson; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Lord Thomson of Fleet 1963 Trust is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Tri-American Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-13653 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Sixteenth National Immunization Conference; Open Meeting

On May 18-21, 1981, a National Immunization Conference will be held at the Centers for Disease Control. This Conference is sponsored by the Centers for Disease Control (CDC).

Federal, State, and local public health officials who are involved in the organization and implementation of immunization program activity will participate. The meeting is open to the public, limited only by the space available.

Meetings are scheduled to begin at 8:30 a.m. in Auditorium B, CDC, 1900 Clifton Road, NE., Atlanta, Georgia.

All inquiries should be sent to: Mr. Jack Kirby, Chief, Program Operations, Immunization Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333; Telephones: FTS: 236-3801; Commercial: 404/329-3801.

Dated: April 30, 1981.

William H. Foege,
Director, Centers for Disease Control.

[FR Doc. 81-13606 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-86-M

Health Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1981"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1981, two interest rates are in effect for loans executed through the HEAL Program.

1. For loans made before January 27, 1981, the variable interest rate is 13 1/4 percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury Bills for the preceding calendar quarter (15.03 percent), and

rounding the result (11.53 percent) upward to the nearest 1/8 percent (11.625 percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 18 percent (11 percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent. This would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest rate at the annual rate was as follows: 11 percent for the quarter ending September 30, 1981; 11 1/8 percent for the quarter ending December 31, 1981; and 12 percent for the quarter ending March 31, 1981. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending June 30, 1981, the variable interest rate for the quarter ending June 30, 1981, would be at an annual rate of 13 1/4 percent.

2. For fixed rate loans executed during the period of April 1 through June 30, 1981, and for variable rate loans executed after January 27, 1981, the interest rate is 18 percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect on January 27, 1981, the Secretary computes the maximum interest at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury Bills during the preceding quarter (15.03 percent); adding 3.50 percent (18.53 percent); and rounding that figure to the next higher one-eighth of 1 percent (18 percent).

(Catalog of Federal Domestic Assistance No. 13.574, Health Professions Educational Assistance Act Insured Loans)

Dated: April 24, 1981.

John H. Kelso,
Acting Administrator.

[FR Doc. 81-13550 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-84-M

National Institute for Occupational Safety and Health

Testing and Approval of Spirometers; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Testing and Approval of Spirometers

Date: June 15, 1981 (also June 16, if necessary)

Time: 9 a.m. to 5 p.m.

Place: Conference Rooms D and E, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Purpose: To discuss and obtain recommendations and comments as to the role of the NIOSH in the testing and approval of spirometers.

Federal standards for determining coal miners' total disability or death due to pneumoconiosis are set forth in 20 CFR Part 718. Part 718 also specifies the procedures and requirements to be followed in conducting medical examinations and in administering various tests relevant to such determinations. Appendix B of Part 718, entitled "Standards for Administration and Interpretation of Ventilatory Function Tests," specifies that instruments to be used for the administration of pulmonary function tests shall be approved by NIOSH and conform to specified criteria.

Single copies of a document containing the major elements of the NIOSH current position can be obtained from Dr. May at the address below. Viewpoints and suggestions from manufacturers and users of spirometers, industry, organized labor, academia, and other government agencies are invited.

NIOSH personnel will present the Institute's current thinking regarding the testing and approval of spirometers. The attendees will then be given time to present their comments and to respond to statements made by NIOSH personnel.

Written requests to address the meeting must be received by Dr. May (at the address below) no later than 5 p.m. on June 1. These requests should include the name, address, and telephone number of the participant, and the approximate time needed for the presentation. For those persons who cannot participate at the meeting, written comments may also be submitted to Dr. May.

Additional information may be obtained from: Jon R. May, Ph. D., Special Assistant to the Acting Director (for Testing and Certification), National Institute for Occupational Safety and Health, Centers for Disease Control, 5600 Fishers Lane, Room 8A-53, Rockville, MD 20857, Telephone: (301) 443-3680.

Dated: April 27, 1980.

William H. Foegen,

Director, Centers for Disease Control.

[FR Doc. 81-13607 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-87-M

Office of Human Development Services**White House Conference on Aging; National Advisory Committee Meeting**

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health and Human Services to provide advice and recommendations to the Secretary of Health and Human Services and to the Executive Director of the 1981 White House Conference on Aging in the planning, conducting and reviewing of the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. App. 1, sec. 10, 1976) that the National Advisory Committee will hold its next meeting on Wednesday, May 20, 1981 through Friday, May 22, 1981, 9:00 a.m.-5:00 p.m. each day. The meeting will be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The purpose of the meeting will be to review plans and issue areas of the 1981 National Meeting to be held in Washington, D.C. on November 30th-December 3, 1981.

Further information on the Committee meeting may be obtained from Mr. David A. Rust, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. National Advisory Committee meetings are open to the public for observation.

Dated: April 30, 1981.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 81-13590 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Irrigation Operation and Maintenance Charges; Water Charges and Related Information Wind River Irrigation Project, Wyoming***Correction*

In FR Doc. 81-9954 appearing on page 19993 in the issue of Thursday, April 2, 1981, make the following change:

On page 19993, middle column, second complete paragraph, seventh line, "\$1.10" should read "6.10".

BILLING CODE 1505-01-M

San Juan Basin Uranium Study

April 20, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior has prepared a study of the impacts of uranium development in northwest New Mexico through the year 2000.

ADDRESS: Copies of the report are available from Milton Bluehouse, Office of Reservation Programs, Planner Support, Bureau of Indian Affairs, P.O. Box 1060, Gallup, NM 87301.

FOR FURTHER INFORMATION CONTACT: Ray Churan, Review Coordinator, Office of Environmental Policy Review, Department of the Interior, P.O. Box 2088, Albuquerque, NM 87108, Telephone Number (505) 766-3565, or Dennis Umshler, U.S. Geological Survey, Conservation Division, P.O. Box 26124, Albuquerque, New Mexico 87125, Telephone Number (505) 766-1173.

SUPPLEMENTARY INFORMATION: The Department of the Interior has prepared the final report of the San Juan Basin Regional Uranium Study. The report entitled: "Uranium Development in the San Juan Basin Region: A Report on Environmental Issues," measures the impacts of projected uranium exploration, mining, and milling from now through the year 2000 on the natural and human environment of the region.

The study describes the probable impacts on air quality, health, water resources, population, the economy, and the social and cultural groupings in northwest New Mexico. It also provides options for the leadership in the area to control those impacts.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-13612 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management**Arizona, Lower Gila North Grazing Management; Intent To Prepare an Environmental Impact Statement**

The Department of the Interior, Bureau of Land Management, Phoenix District Office, will prepare an

Environmental Impact Statement (EIS) that will evaluate a proposed grazing management program for public rangelands in portions of Yuma, Yavapai, Mohave, and Maricopa Counties in west-central Arizona. The proposal was developed as part of the Bureau's Lower Gila North Land-Use Plan.

The program is intended to meet requirements to manage efficiently the basic resources of the public rangelands and to improve their productivity to serve the full range of natural, social, economic and environmental needs. Major components of the program include proposals for: 1) intensive management of livestock grazing on specific allotments through grazing systems and other practices; 2) ephemeral grazing management where conditions so warrant; 3) allocation of forage to livestock, wild burros, wildlife and non-consumptive uses; and 4) construction of rangeland developments needed to implement intensive grazing systems or to obtain better use of the rangelands. The objectives of the proposed program are to enhance vegetation production, improve range condition, provide a continuous supply of forage for competing uses, reduce soil erosion and sedimentation, improve water quality, improve recreation and visual resources, and protect archeological and historical sites.

The EIS will analyze alternatives to the proposed grazing management program. Some of the possible alternatives include continuation of present management (no action), elimination of livestock grazing, livestock optimization, less intensive grazing management, and wildlife enhancement.

The statement will identify the impacts that can be expected from implementation of the proposed grazing management program and each of the alternatives, and will serve as an analytical tool to assist responsible BLM managers in making decisions concerning livestock grazing and forage allocation in the Lower Gila North Planning Area. The Final Environmental Impact Statement will contain a Draft Rangeland Program Summary.

Prior to the commencement of the land-use plan and during its preparation, public workshops were held to inform various interest groups of management options and to obtain public input. These sessions provided valuable information regarding significant issues and alternatives to be addressed in the plan and constitute a substantial portion of the scoping process for the development of the EIS. Open houses will be held early this summer, in which

government agencies, organizations, and interested members of the public are invited to comment on the Bureau's proposals for management of various resources within the planning area. Notice of specific times and locations of these open houses will be published in local news media when the information becomes available.

For information concerning the Environmental Impact Statement or the open houses, contact:

Jim Crisp, Team Leader, Phoenix District, BLM, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017, Telephone: FTS 261-2852, Commercial 602/241-2852.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone: FTS 261-4127, Commercial 602/261-4127.

Dated: April 28, 1981.

Tom Allen,

Associate State Director.

[FR Doc. 81-13551 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

Baker District Advisory Council; Meeting

The Baker District Advisory Council Meeting scheduled to be held on April 29, 1981 will be postponed until 9:00 a.m. May 20, 1981. The location and agenda will remain the same as previously noted in the Federal Register. (46 FR 17891, March 20, 1981).

April 23, 1981.

Gordon R. Staker,

District Manager.

[FR Doc. 81-13552 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[31529]

Colorado; Invitation to Participate in Coal Exploration Program; Application for License by W. R. Grace & Co.

Members of the Public are hereby invited to participate with W. R. Grace & Co., a Connecticut corporation, in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Moffat and Rio Blanco Counties in the State of Colorado:

T. 3 N., R. 94 W., 6th P.M.

Sec. 2: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 3: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 4: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 5: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 6: Lots 8-14, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,

E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ (All)

Sec. 7: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 8: All

Sec. 9: All

Sec. 10: All

Sec. 11: All

Sec. 14: NW $\frac{1}{4}$

Sec. 15: N $\frac{1}{2}$

Sec. 18: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 19: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

T. 4 N., R. 94 W., 6th P.M.

Sec. 7: Lots 4-8, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Sec. 8: Lots 3, 4, 6, 7, 10, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$

Sec. 9: Lots 3, 6-10, 16, 18, 21, 22

Sec. 10: Lots 3-6, S $\frac{1}{2}$ (All)

Sec. 11: Lots 3-6, S $\frac{1}{2}$ (All)

Sec. 12: Lots 3, 6, 7, 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 13: Lots 5, 7, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 14: Lots 1, 3, 5, 7, 10, 11, 14, 16, 18, 20,

24, 25, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 15: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 16: Lots 1, 10, 11, 14, 16, 18, S $\frac{1}{2}$ S $\frac{1}{2}$

Sec. 17: Lots 2, 3, 6, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 18: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 19: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 20: All

Sec. 21: Lots 1, 3, 5, 8, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$,

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 22: Lots 3, 5, 16, 18, 20, 24, 26,

NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 23: SW $\frac{1}{4}$

Sec. 26: NW $\frac{1}{4}$

Sec. 27: Lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$

Sec. 28: Lots 2, 6, 7, 9, 13, 15, 16, 19, 23, 25,

27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 29: Lots 1, 3, 5, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 30: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 31: Lots 5-8, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ (All)

Sec. 32: Lots 2, 4, N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$

Sec. 33: Lot 1, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,

S $\frac{1}{2}$

Sec. 34: All

T. 3 N., R. 95 W., 6th P.M.

Sec. 1: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 2: Lots 5-8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (All)

Sec. 12: All

Sec. 13: All

T. 4 N., R. 95 W., 6th P.M.

Sec. 12: Lots 3, 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 13: E $\frac{1}{2}$ E $\frac{1}{2}$

Sec. 24: E $\frac{1}{2}$

Sec. 25: E $\frac{1}{2}$

Containing 23,674.25 Acres, more or less.

Any party electing to participate in this proposed program must provide written notice of that election to the Bureau of Land Management and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202, and Manager of Exploration, W. R. Grace & Co., Stapleton Plaza, Suite 8800, 3333 Quebec Street, Denver, CO 80207.

Such written notice must be received by the above indicated persons at the addresses shown not later than June 5, 1981.

A copy of the exploration plan, as submitted by W. R. Grace & Co., is available for public review during

normal business hours in the following office under Serial Number C-31529: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colorado.

The above office will be closed at 4:15 p.m., May 26, 1981, while all records, including the mentioned exploration plan, are being moved. The exploration plan may again be examined by the public after 7:45 a.m., June 3, 1981 at the following office: Colorado State Office, Bureau of Land Management, 2000 Arapahoe Steet, Denver, Colorado 80205.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and Bureau of Land Management, both agencies of the Department of the Interior, which will review the environmental aspects of the proposed exploration before determining whether the license shall be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton in the Colorado State Office of the Bureau of Land Management at Telephone Number (303) 837-3891. This Notice is published pursuant to 43 CFR 3410.2-1(d)(1).

Rodney A. Roberts,
Leader, Craig Team Branch of Adjudication.

[FR Doc. 81-13507 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[M 50602]

Montana, Filing of Plat of Survey and Order Providing for Opening of Public Lands

April 29, 1981.

1. A plat of survey of an island described below be officially filed in the Montana State Office, Billings, Montana, effective 8 a.m., on June 15, 1981.

Principal Meridian, Montana

T. 18 N., R. 57 E.,

Sec. 20: Lots 7 to 10, inclusive;

Sec. 21: Lot 6.

The area described contains 202.81 acres of public lands in Dawson County.

2. The surveyed island is situated in the Yellowstone River about 18 miles northeast of the town of Glendive, Montana, and 30 miles southwest of the town of Sidney, Montana. It is river bottom land located in the flood plain. The land has been and is being used for livestock grazing by preference rights permittees as provided for under Section 3 of the Taylor Grazing Act.

3. At 8 a.m. on June 15, 1981, the above described public lands shall be open to the public land laws, generally, subject

to valid existing rights, the provision of existing withdrawals and classifications, and the requirements of applicable laws. These public lands have been and will continue to be open to location and entry under the United States mining laws, and to leasing under the mineral leasing laws.

4. Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Delores M. James,

Chief, Branch of Records and Data Management.

[FR Doc. 81-13503 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20231-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of June 7, 1922, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

The area described contains 40.00 acres in Crook County, Oregon.

Willamette Meridian

Public Water Reserve No. 84

T. 12 S., R. 22 E.,

Sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and
E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded on 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 on or before June 8, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the

undersigned officer on or before June 8, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 24, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13554 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 016183-C]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3869 of November 12, 1965, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Sixes River Recreation Site

T. 32 S., R. 14 W.,

Sec. 12, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Revested Oregon and California Railroad Grant Land, Smith River Falls Recreation Site

T. 20 S., R. 9 W.,

Sec. 31, Lots 9 and 10.

Vincent Creek Recreation Site

T. 20 S., R. 9 W.,
Sec. 33, Portion of the N $\frac{1}{2}$ containing 3.50
acres.

Bear Creek Recreation Site

T. 30 S., R. 9 W.,
Sec. 8, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Loon Lake Recreation Site

T. 23 S., R. 10 W.,
Sec. 2, Lots 14 and 15.

Park Creek Recreation Site

T. 27 S., R. 10 W.,
Sec. 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Cherry Creek Recreation Site

T. 27 S., R. 10 W.,
Sec. 18, S $\frac{1}{2}$ of Lot 8.
The areas described aggregate 441.65 acres in
Douglas, Coos, and Curry Counties,
Oregon.

The purpose of the withdrawal is to protect existing recreation sites. The lands are currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

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 on or before June 8, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 8, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the

withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,
Chief, Branch of Lands and Minerals
Operations.

Dated: April 24, 1981.
[FR Doc. 81-13555 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub.L. 92-463 that a meeting of the newly formed Prineville District Grazing Advisory Board will be held May 20, 1981.

The meeting will begin at 1:00 P.M. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expenditure of range betterment funds for range improvements in fiscal year 1981. (2) A discussion of the ongoing land use planning as it relates to future allotment management plans.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least 5 days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Paul W. Arrasmith,
District Manager.
April 10, 1981
[FR Doc. 81-13556 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 0123759; Colorado 0123870;
Colorado 23395]

Colorado; Order Providing for Opening of Public Lands and National Forest Lands in Power Development Projects 1063 and 1268*Correction*

In FR Doc. 81-12002 appearing on page 22992, in the issue of Wednesday,

April 22, 1981, make the following change:

On page 22992, middle column, in the land description, under "T. 6 S., R. 80 W.," fourth line, "Sec. 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$ " should read "Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ".

BILLING CODE: 1505-01-M

Arizona; Phoenix District, Phoenix/Lower Gila Resource Areas; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Wednesday, June 10, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Lower Gila South—Inventory and Planning
2. Status of Lower Gila North Planning
3. Status of Range Improvements for fiscal year 1981
4. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: April 27, 1981.
William K. Barker,
District Manager.

[FR Doc. 81-13613 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

Realty Action—Sale CA 6828; Public Lands in Kern County, California

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1713, at no less than the fair market value shown:

Legal Description: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; Sec. 34, T. 11 N., R. 9 W., San Bernardino Meridian, California.
Acreage: 1.25.
Value: \$750.

The land is being sold noncompetitively to Allen C.

Williamson, owner of Williamson's Trailer Park. A portion of the Trailer Park is on land owned by Mr. Williamson. On the public land proposed to be sold to Mr. Williamson there exists 3 mobile homes, 1/2 of a medium sized frame house, 1 double car garage, 1 workshop, 1 small apartment, 2 covered carports, 1 water tank tower, 1 well and pump, 13 shade trees, and 2 fences. The above listed dwellings are occupied by tenants and the other improvements are in active use. This occupancy trespass was discovered in 1967. Therefore, to resolve this trespass, disposal by direct sale rather than public auction will protect the equity investment in the improvements on the sale land and eliminate an undue hardship if Mr. Williamson were compelled to remove or otherwise dispose of the improvements. The sale land is part of an 80-acre parcel of public land that is surrounded by private land on all sides, is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The sale is consistent with the Bureau of Land Management's planning for the land. The public interest would be served by offering these lands for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).
2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning the sale is available for review at the California State Office, Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: April 24, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-13618 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 72525]

Wyoming; Application

April 21, 1981.

Notice is hereby given that pursuant to the Act of May 24, 1928, 49 U.S.C. 211-214, the Town of Cokeville, Wyoming, has applied for an airport lease for the following public land:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 119 W.,
sec. 20, lot 28.

The land described contains 26.69 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13624 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

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 Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4082, Block 18, Sabine Pass Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd.,

Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 28, 1981

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13559 Filed 5-5-81; 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 Forest Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0795, Block 99, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and

procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated April 28, 1981

Lowell G. Hammons

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13560 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Texaco Inc., Unit Operator of the Eugene Island Block 205 Federal Unit Agreement No. 14-08-0001-8654, submitted on April 23, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. 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 on 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 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13656 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Gulf of Mexico OCS.

SUMMARY: The USGS, in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSI)s, prepared by the USGS for the following oil and gas exploration activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/Operator	Location	FONSI Date
Mobil Oil Exploration and Producing Southeast Inc., EA No. 495, Plan Control No. N-0685.	OCS Blocks 565 and 566, The Elbow Area (92 mi. west of Sarasota, Florida).	March 27, 1981.
Mobile Oil Exploration and Producing Southeast Inc., EA No. 496, Plan Control No. N-0684.	OCS Block 652, The Elbow Area, (90 MI. from the Florida coast).	

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSI)s prepared for activities on the Gulf of Mexico OCS are encouraged to contact the USGS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010, 504/837-4720.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EAs and FONSI)s for proposals which relate to exploration for oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds

that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13677 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Proposed Changes in Offshore Leasing Program—Extension of Comment Period

AGENCY: Office of the Secretary, Interior.

ACTION: Extension of comment period on proposed changes in offshore leasing program.

SUMMARY: On April 17, 1981, a notice was published on pages 22468-22474 of the Federal Register requesting public comments on proposed changes in the offshore leasing program. Comments were requested by May 11, 1981. The comment period has been extended to May 26, 1981, and this notice serves to advise the public of this extension.

DATES: Comments must be received by May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th & C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

AUTHOR: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th & C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

April 30, 1981.

Donald Paul Hodel

Under Secretary of the Interior

[FR Doc. 81-13659 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provides 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. F-117

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 65900 (Sub-4-1TA), filed April 20, 1981. Applicant: REMICK TRANSFER CO., INC., 288 Sanford Street, Menasha, WI 54956. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Paper and Paper Products, and the return of materials, equipment and supplies used in the manufacture and distribution of Paper and Paper Products.* Between Oshkosh, WI, on the one hand, and, on the other, Green Bay, DePere, Kaukauna, Combined Locks, Little Chute, Kimberly, Neenah, Menasha, Appleton and Stevens Point, WI. Supporting shippers: Menasha Corporation, P.O. Box 367, Neenah, WI 54956, Hoffmaster Company, Inc., P.O. Box 2038, Oshkosh, WI 54903, American Can Company, Neenah, WI 54956.

MC 78266 (Sub-4-20TA), filed April 17, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC.,

215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Aluminum, copper or steel wire, cable, strands or rods; reels used in the distribution thereof and equipment, material and supplies used in the manufacture of the above commodities,* between Los Angeles and Orange, CA; Atlanta, Forest Park and Watkinsville, GA; Sycamore, IL; Indianapolis and Marion, IN; Portland, OR; Middletown, PA (Dauphin County) and Arlington, TX on the one hand, and, on the other points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Anaconda Ericson, Inc., 303 W. Palm Ave., Orange, CA 92668.

MC 105045 (Sub-4-30), filed April 17, 1981. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *Machinery and Machinery Parts, Metal and Metal Articles,* between Vanderburgh County, IN and IL and KY. An underlying ETA is in effect. Supporting shipper: Mead Johnson Terminal, Evansville, IN.

MC 107295 (Sub-4-36TA), filed April 21, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Iron and steel articles,* between the facilities of Dietrich Industries at or near Ashville, AL, on the one hand, and on the other, all points in the U.S. in and east of TX, OK, KS, NB, SD, and ND. Supporting shipper: Dietrich Industries, Inc., Highway #11, P.O. Box 400, Ashville, AL 35953.

MC 111310 (Sub-4-9TA), filed April 20, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Food stuffs and pet foods and materials, equipment, and supplies used in the manufacture and distribution of food stuffs and pet food* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at or destined to the facilities of Swift & Company. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 114362 (Sub-4-3TA), filed April 21, 1981. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 568, Kiester, MN 56051. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Store displays, racks or stands and materials, equipment and supplies used in the manufacture thereof,* between Freeborn County, MN on the one hand, and, on

the other, points in the U.S. Supporting shipper: Streater Industries, Division of Litton Business Systems, 411 1st Ave. South, Albert Lea, MN 56007.

MC 121259 (Sub-4-1TA), filed April 20, 1981. Applicant: JAY-BEE CARTAGE CO., INC., 1514 South Canal Street, Chicago, IL 60607. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. *Household appliances; leather and leather products; drugs; pulp, paper and related products; metal products; printed matter; rubber and plastic products,* to and from all points in the U.S. in the east of the States of MN, IA, MO, KS, OK and TX. Supporting shipper: There are (9) shippers.

MC 123765 (Sub-4-4TA), filed April 23, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 E National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 N Plankinton Ave., Milwaukee, WI 53203. *Contract, irregular; (1) Metal and metal products and (2) materials, equipment and supplies used in the manufacture or distribution of metal and metal products,* between Northbrook, IL, on the one hand, and on the other, points in WI, and the Upper Peninsula of MI, under continuing contract(s) with Fullerton Metals Co. of Northbrook, IL. Supporting shipper: Fullerton Metals Co., 3000 Sherman Rd, Northbrook, IL 60045.

MC 124078 (Sub-4-67TA), filed April 17, 1981. Applicant: SCHWERMANN TRUCKING CO., 811 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Calcium carbonate, in bulk in tank or hopper type vehicle* from Marion County FL to points in AL, GA, LA, NC and SC. Supporting shipper: Southern Materials Corp., P.O. Box 218, Ocala, FL 32878.

MC 124078 (Sub-4-68TA), filed April 17, 1981. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *(1) Resins in bulk in tank vehicles (2) plasticizers in bulk in tank vehicles (1)* from points in DE, MD, MO, NY, OH, PA, and TX to Troup County, GA (2) from LA, MD, MO, OH, and TX Troup County, GA. Supporting shipper: Carpets International-Georgia, Inc., P.O. Box 1503, Orchard Hill Road, LaGrange, GA 30241.

MC 126555 (Sub-4-26TA), filed April 20, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant) *Machinery and Supplies* between points

in the U.S. Supporting shippers: Gifford Electric Supply, 11th and Kno Place, Rapid City, SD 57701. Ingersoll-Rand, P.O. Box 19188, Houston, TX 77024.

MC 133189 (Sub-4-12TA), filed April 20, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Roofing*, between Will County, IL on the one hand, and, on the other, Posey County, IN. Supporting shipper: G.A.F. Corporation; P.O. Box 798; Joliet, IL 60434.

MC 133698 (Sub-4-79TA), filed April 17, 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. *Foodstuffs and kindred products*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to the facilities of The Pillsbury Company. Supporting shipping: The Pillsbury Company, 606 Second Ave. So., Minneapolis MN 55402.

MC 134940 (Sub-4-2TA), filed April 21, 1981. Applicant: VERNON KUFUHL d.b.a. KUFUHL TRUCKING, 4704 North 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products (except commodities in bulk) between the facilities of Georgia Pacific Corporation at or near Tomahawk, WI, on the one hand, and on the other, points in KS, NE, ND, and SD. Restriction: Restricted to service performed under continuing contract(s) with Georgia Pacific Corporation. Authority sought for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Georgia Pacific Corporation, 320 Post Road, Darien, CT 06820.*

MC 135185 (Sub-4-6TA), filed April 20, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract, irregular: meat, meat products, meat by-products and articles distributed by meat packing-houses, from the facilities of Land-O-Lakes/Spencer Beef Division at or near Oakland, IA and Schuyler, NE to points in MA, NY, NJ, FL, GA, NC, SC, and TN, under continuing contract(s) with Land-O-Lakes/Spencer Beef Division for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Land-O-*

Lakes/Spencer Beef Division, P.O. Box 544, Schuyler, NE 68661.

MC 136774 (Sub-4-7TA), filed April 22, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53588. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Orange juice concentrate* from Indiantown, FL, to Marshall, MN. Supporting shipper: Schwan's Sales Enterprises, Inc., Sun Vi Products Division, 113 S. Sixth, Marshall, MN 56258.

MC 138432 (Sub-4-10TA), filed April 19, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Paper and paper articles; materials, equipment and supplies used in the manufacture and distribution of paper articles*, between the facilities of Continental Forest Industries, on the one hand, and, on the other, points in the United States. Supporting shipper: Continental Forest Industries, Greenwich, CT.

MC 140615 (Sub-4-5TA), filed April 21, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1118, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown, P.O. Box 1116, Wisconsin Rapids, WI 54494. *Cheese* between Independence, MO and points in the states of IA, IL, MN, OH, and WI. Supporting shipper: Milkhouse 9119 S. Gessner, Houston TX 77074.

MC 141367 (Sub-4-1TA), filed April 21, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 S. LaPorte, Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Common, irregular: Commodities generally dealt in by manufacturers of electrical equipment* between Blue Island, IL; Macon, GA; and Temple, TX. Supporting shipper: G & W Electric Specialty Co., 3500 W. 127th St., Blue Island, IL 60406.

MC 143027 (Sub-4-1TA), filed April 21, 1981. Applicant: CAPITAL AIR FREIGHT, INC., P.O. Box 8566, Madison, WI 53708. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common, irregular: (1) Such merchandise as is dealt in by office supply stores from Chicago and Itasca, IL to Milwaukee, WI. (2) Such merchandise as is dealt in by office supply stores and materials, equipment and supplies used or useful in the manufacture, sale or distribution of the involved commodities from points in WI to Chicago and Itasca, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boise Cascade Corporation, Office Products*

Division, 800 West Bryn Mawr Ave., Itasca, IL 60143.

MC 143280 (Sub-4-20TA), filed April 21, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Common, irregular: Foodstuffs and kindred products*, between points in WI and CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: American Farms Coop, Inc., 11 East Main Street, Waupun, WI 53983.

MC 143280 (Sub-4-21TA), filed April 22, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Textile mill products; lumber or wood products; pulp, paper or allied products; chemicals and allied products; rubber or miscellaneous plastic products; fabricated metal products and machinery and supplies*, between points in IN, OH, GA and Detroit, MI and points in its Commercial Zone as defined by the Commission and St. Louis City, St. Louis, Clay and Jackson Counties, MO; Johnson, Leavenworth and Wyandott Counties, KS on the one hand, and, on the other, points in the U.S. Supporting shipper: Action Supply Co., Inc., 1625 Ohio Ave., Anderson, Indiana 46016.

MC 143280 (Sub-4-22TA), filed April 20, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Transportation equipment*, between Minneapolis-St. Paul, MN and points in its commercial Zone as defined by the Commission; Chicago, IL and points in its Commercial Zone as defined by the Commission; Detroit, MI and points in its Commercial Zone as defined by the Commission, and points in Brown and Milwaukee Counties, WI; Saginaw and Genesee Counties, MI; Madison, Marion, Delaware and Allen Counties, IN; St. Louis City, St. Louis, Clay and Jackson Counties, MO; and Johnson, Leavenworth and Wyandott Counties, KS on the one hand, and, on the other, points in the U.S. Supporting shipper: Deluxe Supply, Inc., 7530 Washington Ave. So., Eden Prairie, MN 55344.

MC 143280 (Sub-4-23TA), filed April 22, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul MN 55118. *Pulp, paper or allied products*, between

Minneapolis-St. Paul, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Anchor Papers, 480 Broadway, St. Paul, MN 55165.

MC 145544 (Sub-4-6TA), filed April 21, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312.

Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603.

Contract, irregular: Such commodities as are dealt in or used by dealers of used industrial machinery, between points in the U.S., under continuing contract(s) with dealers, brokers and riggers of used industrial machinery. Supporting shippers: There are six supporting shippers:

MC 145842 (Sub-4-9TA), filed April 22, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Foodstuffs and related products, from at or near Waterloo, WI, to points in USA. Supporting shipper: Madison Packing Inc., 333 Portland Road, Waterloo, WI 53594.*

MC 148394 (Sub-4-1TA), filed April 20, 1981. Applicant: MCKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract, irregular: Petroleum and petroleum products between Calhoun County, MI and Steuben County, IN under continuing contract(s) with Crystal Refining Company, Peerless Distributing Company and Lakeside Refining Company. An underlying ETA seeks 120-day authority. Supporting shippers: Peerless Distributing Company, 21700 Northwestern Highway, Suite 1160, Southfield, MI 48075, Crystal Refining Company, 801 N. Williams St., Carson City, MI 48811, and Lakeside Refining Company, P.O. Box 909, Kalamazoo, MI 49005.*

MC 150187 (Sub-4-6TA), filed April 20, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Blvd., Jeffersonville, IN 47130. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40203. *Contract, irregular: cleaning chemicals and cleaning equipment; and materials and supplies used in the manufacture thereof, between Grand Rapids, MI, on the one hand, and on the other hand, all points in the U.S. under a continuing contract with M.C. Sales & Services, Inc. Supporting shipper: M.C. Sales & Services, Inc., 6616 Strawberry Lane, Louisville, KY 40214.*

MC 150867 (Sub-4-4TA), filed April 20, 1981. Applicant: PRESS EXPRESS, 15234

Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M Street, Northwest, Washington, D.C. 20036. *Contract, irregular: transporting those commodities which, because of their size or weight, require the use of special handling or equipment, between all points in the U.S. (except HI), for or on behalf of Wickman Machine Tool, Inc., under a continuing contract(s) with Wickman Machine Tool, Inc. Supporting shipper: Wickman Machine Tool, Inc., 950 Morse Ave., Elk Grove Village, IL 60007.*

MC 151365 (Sub-4-4TA), filed April 21, 1981. Applicant: MAC OF WISCONSIN, INC., 26 Lake View Dr., Sullivan, WI 53178. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145 Gaithersburg, MD 20760. *Laminated plastic sheets, lumber derivative products with plastic lamination, furniture pieces and components, and related items used in the assembly and installation of such products, from Oconomowoc, WI to points in MA, NJ, NY, OH and PA. Supporting shipper: Fiberes Industries, Inc., P.O. Box 88, 37031 E. Wisconsin Ave, Oconomowoc, WI 53066*

MC 152244 (Sub-4-2TA), filed April 17, 1981. Applicant: TOTE, INC., Box 753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, 5301 N Cliff Ave., Box 480, Sioux Falls, SD 57101. *Contract, irregular: lumber, lumber products, and building materials, between points in the U.S., under contract with House of Plywood, Inc. Supporting shipper: House of Plywood, Inc., 620 S Fifth Ave, Sioux Falls, SD 57101.*

MC 155070 (Sub-4-1TA), filed April 20, 1981. Applicant: AMERICAN PACIFIC EXPRESS, INC., 817 McDonald Street, Green Bay, WI 54303. Representative: Patrick J. Fleming, 817 McDonald Street, Green Bay, WI 54303. (1) *Such commodities as are dealt in, or used by, manufacturers and distributors of paper and paper products, printed matter, and plastic products; and (2) Such commodities as are dealt in, or used by, manufacturers and distributors of cheese and gift packages, between Ashland, Brown, Columbia, Jefferson, Marathon, Milwaukee, Oneida, Outagamie, Washington, Waupaca, Winnebago, and Wood Counties, WI on the one hand, and, on the other, El Paso, TX and points in the west of CO, MT, NM, and WY. Supporting shippers: There are 19 supporting shippers.*

MC 155354 (Sub-4-1TA), filed April 17, 1981. Applicant: RYPKEMA OIL COMPANY, Rural Route 1, Mora, Minnesota 55051. Representative: Bruce Rypkema, same as above. *Plastics Articles and Materials, equipment and*

supplies used in the manufacture of plastic articles, between Kanabec County, MN and points in IL, IN, MI, OH, and WI. An underlying ETA seeks 120 days. Supporting Shipper: Amoco Engineerer Plastics, 1020 East Maple, Mora, MN 55051.

MC 155358 (Sub-4-) filed April 17, 1981. Applicant: WING TRANSPORT, INC., 450 Ford Road, St. Louis Park, MN 55426. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Food and related products, between points in Rice County, MN, and San Joaquin County, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Malt-O-Meal Company, P.O. Box 180, Northfield, MN 55057.*

MC 155395 (Sub-4-1TA), filed April 20, 1981. Applicant: A. BETLEY CARTAGE, INC., 8906 S. 83rd Court, Hickory Hills, IL 60457. Representative: Anthony E. Young, 29 S. La Salle St., Suite 350, Chicago, IL 60603. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Chicago, IL and its commercial zone on the one hand, and, on the other, points in IL, WI, MI, IA, KY, OH, IN, MO, and WV, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are nine (9) supporting shippers.*

MC 155396 (Sub-4-1TA), filed April 20, 1981. Applicant: JOHN SLEGERS, d.b.a. SLEGERS TRANSPORT, 11651 N. 900 West, Demotte, IN 46310. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. (1) *Cement, and (2) Flyash, in Bulk, in Pneumatic Tank Vehicles, between the Chicago Commercial Zone, on the hand, and, on the other, points and places in IN. Supporting shippers: American Flyash Co., 606 Potter Rd., Des Plaines, IL 60016 and Dundee Cement Co., P.O. Box 122, Dundee, MI. 48131.*

MC 155397 (Sub-4-1TA), filed April 21, 1981. Applicant: PENNINGTON BROTHERS, INC., 5320 Grand Haven Road, Muskegon, MI 49441. Representative: Earl L. Pennington, 5320 Grand Haven Road, Muskegon, MI 49441. *Waste acids, chemicals and petroleum products and recycled or reprocessed products thereof and raw materials and supplies used in the treatment of these wastes, between the state of MI, and points and places in the states of AL, MS, AR, MO, IL, KY, IN, OH, PA, NY, TN and WI. Supporting shippers: Systech Liquid Treatment Corp., 3030 Wood Street, Muskegon*

Heights, MI 49444; Thermo Chem, Inc., P.O. Box 51, Muskegon, MI 49443; Windatt Pontiac, 2001 Peck St., Muskegon Heights, MI 49444.

MC 155406 (Sub-4-1TA), filed April 21, 1981. Applicant: FRED C. WALKER, an individual, d.b.a. WALKER TRUCKING, Route 2, Box 153, Butternut, WI 54514. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. *Contract, irregular: Paper and paper products, sulfite liquor, materials, equipment and supplies used in the manufacture of the above commodities between Park Falls, WI (Price County) on the hand, and, on the other, points in Chicago and Taylorsville, IL; Detroit and Kalamazoo, MI; Cedar Rapids, Des Moines, Waterloo, Dubuque and Muscatine, IA; Indianapolis, Hammond and Ft. Wayne, IN; Portland, Fulton and Vandalia, MO; St. Paul and Duluth, MN and Kansas City, KS. Restricted to service to be performed under continuing contract with Flambeau Paper Corp., Park Falls, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Flambeau Paper Corporation, 200 1st Ave. N., Park Falls, WI 54552.*

MC 155409 (Sub-4-1TA), filed April 21, 1981. Applicant: MICHALETZ TRUCKING, INC., 3302 Park Drive, Owatonna, MN 55060. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., 5200 Willson Road, Suite 307, Edina, MN 55424. *Contract, Irregular: (1) printed matter and (2) materials, equipment, and supplies used in the manufacture and distribution of printed matter, between Waseca, MN; East Greenville, PA; and Franklin, KY; under continuing contract(s) with Brown Printing Company, Inc. Supporting shipper: Brown Printing Company, Inc., Hwy 14 West, Waseca, MN 56093.*

MC 155411 (Sub-4-1TA), filed April 21, 1981. Applicant: S & C TRANSPORT INC., 16657 Kennebec Southgate, MI 48195. Representative: Robert G. Paluch, 7800 West 60th Place, Summit, IL 60501. Petroleum products including waste, recycled, or reprocessed products thereof, between points in the U.S. (Wynne, AR, Hartford, CN, Winchester, KY, Detroit, Flint, Grand Rapids, Lansing and Traverse City, MI, Fulton, MS, Rochester and Tonawanda, NY, Cleveland, Cincinnati, Dayton and Toledo, OH, McKeesport, Philadelphia and Scranton, PA, Charleston and Wheeling, WV, Kenosha, WI and Windsor, Canada are representative origins); (Chicago, IL, Indianapolis, IN and Detroit, MI are representative destinations), Under continuing contract with General Oil Co., Inc. Supporting

shipper: General Oil Co. Inc., 12680 Beech Daly Road, Detroit, MI 48239.

MC 155412 (Sub-4-1TA), filed April 21, 1981. Applicant: INLAND WATERS POLLUTION CONTROL, INC., 4544 Webster, Ecorse, MI 48229. Representative: Everett Shively, 4544 Webster, Ecorse, MI 48229. *Industrial waste including hazardous waste and reclaimed or recycled products thereof between all points in the U.S. Supporting shippers: General Oil Company, 12680 Beech Daly Road, Detroit, MI 48239; Truck and Coach Division of General Motors, 660 South Boulevard East, Pontiac, MI 48053; Cecos International, Inc., 5092 Aber Road, Williamsburg, OH 45176.*

MC 155440 (Sub-4-1TA), filed April 20, 1981. Applicant: WILLIAM A. THOMAS & DONALD L. GILBERT d.b.a. MICHIGAN CARPET DELIVERY, 533 E. Beltline S.E., Grand Rapids, MI 49506. Representative: William A. Thomas (same address as applicant). *Floor covering and materials and supplies used in the manufacture, distribution and installation thereof between points in AL, GA, IL, IN, MI, OH, PA, SC, NC, VA and WV. An underlying ETA seeks 120 days authority. Supporting shippers: B&D Commercial Floors, Inc., 4180 44th S.E., Kentwood, MI 49508, Kitchen & Home Center, 903 Woodmere, Traverse City, MI 49682, American Floor & Wall, 1815 N. Michigan Ave., Saginaw, MI 48602, Commercial Supply Company, 2511 E. Michigan Ave., Lansing, MI, Coutures Custom Floor Covering, North, P.O. Box 3206, Lewiston, MI 49756.*

MC 155446 (Sub-4-1TA), filed April 22, 1981. Applicant: RONALD CORRELL, SR., an individual, d.b.a. CORRELL TRANSPORTATION, 16020 Barry Knoll Way, Granger, IN 46530. Representative: Paul D. Borghesani, Katz & Borghesani, Suite 300 Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516. *Contract irregular: General commodities (except classes A and B explosives) between Eaton county, MI, on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contract with Johnson Iron Industries, Inc. Supporting shipper: Johnson Iron Industries, Inc., 615 W. Shepherd, Charlotte, MI 48813.*

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 2960 (Sub-5-9TA), filed April 23, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TX, INC., 2301 McKinney St., Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *General*

commodities (except classes A and B explosives and hazardous waste), between points in TX, LA, AR and OK. Supporting shipper(s): There are eight supporting shippers.

MC 96881 (Sub-5-2TA), filed April 23, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Paper and paper products, and (2) materials, equipment and supplies used in the manufacturing and distribution of products in (1) above (except commodities in bulk) between the facilities of Manville Forest Products Corporation at Monroe and West Monroe, LA, on the one hand, and, on the other, points in AR, NM, OK and TX. Supporting shipper: Manville Forest Products Corporation, Monroe and West Monroe, LA.*

MC 106398 (Sub-5-69TA), filed April 24, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Machinery and accessories between Duval County, FL, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: M. D. Moody & Sons, Inc., 4652 Phillips Highway, Jacksonville, FL 32207.*

MC 117785 (Sub-5-21TA), filed April 23, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). (1) *Charcoal, charcoal briquets, and charcoal products; and (2) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above, between Dent County, MO, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MN, MS, NE, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: Imperial Products Company, Suite 1660-1034 South Brentwood, St. Louis, MO 63117.*

MC 119988 (Sub-5-37TA), filed April 24, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood, P.O. Box 1384, Lufkin, TX 75901. *General commodities, between points in the U.S., and restricted to shipments originating at, or destined to, the facilities of American Excelsior Company. Supporting shippers: American Excelsior Company, Arlington, TX.*

MC 124673 (Sub-5-13TA), filed April 24, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant).

Fertilizer, fertilizer ingredients, and fertilizer compounds, between Ford County, KS, and points in the U.S. (except Alaska and Hawaii). Supporting shipper: Ruffin, Inc., P.O. Box 940, Dodge City, KS 67801.

MC 126118 (Sub-5-64TA), filed April 24, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Such commodities as are used by and dealt in by manufacturers and distributors of doors*, between Tarrant County, TX, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, MT, NE, ND, SD, and WY. Supporting shipper: Overhead Door Corporation, P.O. Box 2007, Grand Island, NE 68801.

MC 133805 (Sub-5-40TA), filed April 24, 1981. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle (same as above). *Vinyl siding and plastic articles* between the facilities of Robintech, Incorporated, at or near, Weatherford, TX, and points in the U.S. Supporting shipper: Robintech, Incorporated, Weatherford, TX 76086.

MC 135691 (Sub-5-16TA), filed April 24, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Talc in packages*, from Johnson, VT and So. Plainfield, NJ to Houston and Dallas, TX; New Orleans, LA and Tempe, AZ. Supporting shipper: Ribelin Distributors, Inc., 7770 Blankenship, Houston, TX 77055.

MC 141436 (Sub-5-1TA), filed April 23, 1981. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular. *Such commodities as are dealt in or used by dairies*, from the commercial zones of Madison, WI; Hutchinson, Topeka and Smith Center, KS; Kalamazoo, MI; Amboy, Ashton and Chicago, IL, and St. Louis and Joplin, MO to the facilities of Wells Dairy, Inc. at or near LeMars, IA, under a continuing contract(s) with Wells Dairy, Inc. Supporting shipper: Wells Dairy, Inc., One Blue Bunny Drive, LeMars, IA 51031.

MC 141950 (Sub-5-1TA), filed April 23, 1981. Applicant: IOWA-MINNESOTA EXPRESS, LTD., 2216 5th Avenue South, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Hamilton, Webster and Story Counties, IA on the one hand and on the other Pts in CO, IL, IN, KS,

KY, MI, MN, MO, NE, ND, OH, OK, SD, TN and WI. Supporting shippers: The Nissen Company, Box 368, Webster City, IA 50595; Carriage House Meats, Ames, IA 50010; and Jacobson Cold Storage Co., Inc., 3543 Maple, Fort Dodge, IA 50501.

MC 144603 (Sub-5-41TA), filed April 24, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *General commodities, (except Classes A and B explosives, commodities in bulk, size or weight commodities requiring use of special handling or equipment, household goods and Mercer commodities)*, between Jacksonville, IL and its commercial zone, on the one hand, and, on the other, points in CA and points in and East of the States of MN, IA, NE, KS, OK and TX. Supporting shippers: Lundia Myers Industries, Inc., Lafayette and Capitol Way, Jacksonville, IL 62650; Rutland Products (Rutland, Inc.), P.O. Box 1125, 801 N. Church St., Jacksonville, IL 62651.

MC 144858 (Sub-5-12TA), filed April 24, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Glass containers*, from the facilities of Chattanooga Glass Company in Knox County, OH, to Hammondsport, NY. Supporting shipper(s): Chattanooga Glass Company, P.O. Box 7037, Chattanooga, TN 37410.

MC 151505 (Sub-5-2TA), filed April 23, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 7232, Houston, TX 77008. Representative: B. R. Bunch (same as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between points in CO, CT, DC, DE, IA, ID, IL, IN, KS, MA, MD, MI, MN, MO, MT, ND, NE, NJ, NV, NY, OH, OR, PA, SD, UT, VA, WA, WI, WV, and WY. Supporting shipper: ABC-TNT Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 151819 (Sub-5-6TA), filed April 24, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages and empty used beverage containers for recycling*, between the facilities of the Miller Brewing Company at Ft. Worth, TX on the one hand, and

on the other points in LA. Supporting shipper(s): Baton Rouge Beer Agency, 7808 Airline Hwy, Baton Rouge, LA 70896.

MC 152649 (Sub-5-4TA), filed April 23, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, Drawer BC, Reserve, LA 70084. Representative: Harry M. England, (same as applicant). Contract; irregular. *Such commodities as are manufactured by, dealt in, or used by manufacturers and distributors of containers, paper, and plastic products*, between points in AL, AR, FL, LA, MS, TN, TX and GA. Supporting shipper: American Can Company, American Lane, Greenwich, CT. 06830.

MC 153133 (Sub-5-9TA), filed April 23, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., 811 Jackson Street Suite 108, Richmond, TX 77469. Representative: C. Thomas Stradley II, P.O. Box 186, Richmond, TX 77469. *Plastic products, non-toxic chemicals in drums or package, and equipment used in the building of above ground and below ground swimming pools* (1) between points in NM, OK, CO, AZ, WY, NE, IA, MO, KS, IL, IN, OH, TN, KY, AR, LA, MS, AL, GA and FL, and (2) between point in TX, on the one hand, and points in NM, CO, AZ, WY, NE, MO, KS, IL, IN, OH, TN, KY, AR, LA, MS, AL, GA, and FL, on the other hand. Restricted to the Traffic moving for the account of Willis Pool and Chemical, Kytex Industries, and Texas Pool Products Company. Supporting shippers: Willis Pool and Chemical, 1802 Butternut, Abilene, TX; Kytex Industries, P.O. Box 175250, Dallas, TX; Texas Pool Products Company, d.b.a. Lone Star Pool Company, P.O. Box 122871, Dallas, TX.

MC 153137 (Sub-5-2TA), filed April 24, 1981. Applicant: G&H TRANSPORTATION, INC., 711 Pearl Street, Houston, TX 77029. Representative: Charles H. Grindstaff (same as applicant) Common, regular; *General commodities (except Classes A and B explosives and household goods as defined by the Commission)*, between Harris County, TX., on the one hand, and New Orleans, LA., on the other: over Interstate Highway 10 serving the intermediate points of Beaumont, Port Arthur, and Orange, TX., and Lake Charles, Baton Rouge, and Lafayette, LA. Supporting shippers: 9.

MC 153210 (Sub-5-2TA). Applicant: ALAN E. WOLFE EQUIPMENT AND CONSTRUCTION COMPANY, 3001 East 83rd Street, Kansas City, MO 64196. Representative: E. Wayne Farmer, P.O. Box 26010, Kansas, City, MO 64196.

Contract, irregular, *toxic substances; hazardous wastes, heavy equipment, concrete pipe, sand, cement, rock and those commodities generally used in hazardous waste clean-up operations and the heavy construction business* between all points and places in the States of AL, AR, CO, IL, IN, IA, KS, MO, NE, OH, OK, MS, LA and TX. Supporting contract shipper: Tri-City Construction Company, 3001 East 83rd Street, Kansas City, MO 64132.

MC 153457 (Sub-5-5TA), filed April 23, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Forth Worth, TX 76103. *Malt beverages*, from San Antonio, TX, to ports of entry located on the United States-Canada International Boundary. Supporting shipper: Blackfoot Freight Systems, Ltd., #3-3540 26th Street, NE, Calgary, Alta, T1Y 4T7.

MC 153788 (Sub-5-2TA), filed April 23, 1981. Applicant: G & G COMPANY, INC., P.O. Box 5753, Longview, TX 75608. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Rock and gravel, in bulk* from points in OK to points in Hunt, Lamar, Hopkins, Red River, Titus, Bowie, Morris, Cass, Camp, Rains, Woods, and Upshur Counties, TX. Supporting shippers(s): Lee Ray Construction, 629 W. Broadway, Winnsboro, TX 75494.

MC 154965 (Sub-5-1TA), filed April 24, 1981. Applicant: P&H TRANSPORTATION, INC., 4802 Clinton Drive, Houston, TX 77020. Representative: Paul S. Broussard, 501 Crawford Street, Suite 401, Houston, TX 77002. *General commodities (except household goods as defined by the Commission, and Class A and B explosives)*, restricted to shipments having prior or subsequent movement by water or rail; between Harris and Galveston Counties, TX., on the one hand; and Brazoria, Hardin, Jefferson, Orange Counties, TX., and Calasieu Parish, LA., on the other. Supporting shippers: 8.

MC 155487 (Sub-5-1TA), filed April 24, 1981. Applicant: BUR-COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Automobile radios, circuit boards, electrical parts, components and articles used in the manufacture of automobile radios* (1) from Kokomo and Indianapolis, IN and Oak Creek, WI to the port of entry at Brownsville, TX and (2) from the port of entry at Brownsville, TX to Kokomo, IN. Restricted to shipments for import or export in through service, in carrier owned

equipment. Supporting shipper: Delco Electronics Div., General Motors Corp., Kokomo, IN.

MC 26825 (Sub-5-16TA), filed April 27, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1809, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products, between King County, WA, on the one hand, and, on the other, Pts in the US, in and east of ID, UT and AZ.* Supporting shipper: Earle M. Jorgensen Co., P.O. Box 24026, Seattle, WA 98124.

MC 96881 (Sub-5-3TA), filed April 27, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Foodstuffs* and (2) *Materials, equipment and supplies used in the manufacturing and distribution of products in (1) above* (except commodities in bulk) between the facilities of Campbell Soup Company, Paris, TX, on the one hand, and, on the other, points in AR, KS, LA and OK. Supporting shipper: Campbell Soup Company, Paris, TX.

MC 119345 (Sub-5-2TA), filed April 27, 1981. Applicant: CARY TRUCKING, INC., Box 265, Downs, KS 67437. Representative: Richard E. Dietz, 118 West Main, Osborne, KS 67473. *Hides, meat scraps, packing house by-products and feeds*; from Gibbon, NE, Mankato, Great Bend, and Hutchinson, KS, to points and places in CA, WI, TX, NE, KS, MO, CO, MN, IL, SD, ID, WA, WY, IA, OR, AR, TN, and MS. Supporting shipper: Cox Hide Company, Box 212, 710 W. Harrison, Butler, MO 64730.

MC 119399 (Sub-5-66TA), filed April 27, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Such commodities as are dealt in or used by food business houses, between Joplin, MO on the one hand, and, on the other, points in the U.S.* Supporting shipper: Fleming Foods Company, Joplin, MO 64801.

MC 125535 (Sub-5-10TA), filed April 27, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Same as above. Contract; irregular. (1) *Aluminum and aluminum products, and (2) materials, equipment and supplies used in the manufacture of commodities in (1) above (except commodities in bulk in tank vehicles)*, between Minneapolis, New Hope, MN, Glen Cove, LI, NY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Flour City

Architectural Metals, Inc., 175 Sea Cliff Ave., Glen Cove, LI, NY 11542.

MC 135419 (Sub-5-5TA), filed April 27, 1981. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72901. Representative: William D. Hendrix (address same as applicant). *General commodities (except classes A and B explosives), in containers or trailers having a prior or subsequent movement by water or rail, Between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in the U.S.* Supporting shippers: There are twelve supporting shippers.

MC 135691 (Sub-5-17TA), filed April 27, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. (1) *Disposable cellulose bedding pads and (2) raw materials, supplies and equipment* from (1) Grand Prairie, TX to points in LA, AR, OK, CO, TN, KS and MO and (2) from points in AR, CT, NJ, and GA to Grand Prairie, TX. Supporting shipper: Burnina, Inc., 1127 N. Carriers Parkway, West, Grand Prairie, TX 75050.

MC 138469 (Sub-5-42TA), filed April 27, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Attorney at Law, 205 W. Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Chemicals and related products* between points in the U.S. restricted to traffic originating at or destined to the facilities of American Hoechst Corporation. Supporting shipper: American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

MC 138627 (Sub-5-13TA), filed April 27, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Buildings and component parts*, from Washington, IA to points in IL, IN, MN, MO and WI. Supporting shipper: Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701.

MC 139284 (Sub-5-6TA), filed April 27, 1981. Applicant: TRUCKER'S INC., P.O. Box 337, 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Mercer Commodities, metal and metal products, machinery, rubber and rubber products, and plastic and plastic products*, between points in LA, TX, OK, AR, and NM. Supporting shippers: There are 12 supporting shippers.

MC 143568 (Sub-5-1TA), filed April 27, 1981. Applicant: SIMMONS TRUCKING INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Dry fertilizer and fertilizer ingredients* (in bags and in bulk) between points in IA, IL, MO and WI. Supporting shippers: Growmark, Inc., 1701 Towanda, Bloomington, IL 61701, and United Suppliers, Inc., Box 538, Eldora, IA 50627.

MC 144595 (Sub-5-3TA), filed April 27, 1981. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Such commodities as are dealt in by building material and home improvement stores*, between points in the U.S., under a continuing contract(s) with Payless Cashways, Inc. Supporting shipper: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111.

MC 145632 (Sub-5-1TA), filed April 27, 1981. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 W. Second Street, Ottumwa, IA 52501. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Common, Regular, passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Knoxville and Des Moines, IA, as follows: From Knoxville over IA Hwy 92 to junction IA Hwy 5, then over IA Hwy 5 to junction IA Hwy 46 then over Hwy IA 46 to Des Moines, and return, serving all intermediate pts. Supporting shipper: American Buslines, Inc., 1200 Eye Street, N.W., Washington, DC 20005. Applicant intends to tack and interline.

MC 146616 (Sub-5-10TA), filed April 27, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract; Irregular. (1) *Conventional pumping units, pipe, casing, tubing, tank batteries, and (2) equipment and supplies used in the manufacture and distribution of the commodities named in (1) above*, between points in the U.S. under continuing contract(s) with Mustang Mfg. Company, Inc. of Tulsa, OK. Supporting shipper: Mustang Mfg. Company, Inc., 11130 E. 56th St., Tulsa, OK 74145.

MC 147321 (Sub-5-6TA), filed April 27, 1981. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Beer, malt beverages and related advertising materials*

between Galveston County, TX, on the one hand, and, on the other, Jackson, Clay and Buchanan Counties, MO and Johnson and Wyandotte Counties, KS. Supporting shipper: Pearl Brewing Co., 312 Pearl Parkway, San Antonio, TX 78296.

MC 148107 (Sub-5-6TA), filed April 27, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING COMPANY, 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant). *Batteries* from TX to NM, AZ, CA, AR, TN, MS, IL, KY, IN, AL, LA, and GA. Supporting shipper: Standard Industries, P.O. Box 27500, San Antonio, TX 78227.

MC 150330 (Sub-5-9TA), filed April 27, 1981. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main street, Jacksonville, AR 72076, (501) 982-6511. Contract, irregular; *electric motors and parts thereof NOI, equipment, materials and supplies used in the manufacturer and distribution thereof*, between Franklin Electric Company, Inc., on the one hand, and points in the U.S.A. on the other hand. Supporting shipper: Franklin Electric Company, Inc., Box 887, Redmond Road, Jacksonville, AR 72076.

MC 150496 (Sub-5-16TA), filed April 27, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. Box 188, Tontitown, AR 72770. *Textile mill products* between points in Franklin County, Taylor County, and Warren County, KY; Iberia County and St. Martin County, LA; Panola County and Union County, MS; Cleveland County, NC; and Woodward County, OK on the one hand, and, on the other, points in AR, CO, FL, GA, IL, KS, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, and TX. Supporting shipper: Union Underwear Company, Inc., No. 1 Fruit of the Loom Drive, Bowling Green, KY 42101.

MC 150740 (Sub-5-4TA), filed April 27, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon (same as applicant). Contract, Irregular. *Plastic Resin, Resin, Point Pigment, Coloring used in plastic products, reground plastic and raw materials used in the manufacture of plastic products*, from Kansas City, MO, and Los Angeles, CA to points in the U.S. Supporting shipper: AVECOR Midwest, Inc., 1250 Taney, N. Kansas City, MO 64116.

MC 151234 (Sub-5-2TA), filed April 27, 1981. Applicant: FLORES AND STURGEON ENTERPRISES, INC., P.O. Box 203, Taft, TX 78390. Representative:

Mr. Carlos Besinaiz, P.O. Box 203, Taft, TX 78390. Contract; Irregular: *Hemenite Ore; Zircon Sand; Tatanium Dioxied*, from Corpus Christi, TX to points in TX, OK and LA. Supporting shipper: Hitox Corporation of America, 722 Burleson Street, Corpus Christi, TX 78403.

MC 151238 (Sub-5-4TA), filed April 27, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chemicals and related products*, between Port Arthur, Houston, Texas City, Galveston, Freeport, Corpus Christi, Brownsville, and Laredo, TX, on the one hand, and, on the other, points in AL, AR, TN, MS, LA, KS, OK and TX. Restricted to shipments moving in foreign commerce. Supporting shipper: Euroquim U.S.A., Inc., 3115 W. Loop South, Suite 40, Houston, TX 77027.

MC 154407 (Sub-5-1TA), filed April 27, 1981. Applicant: EVERETT MALLORY, d.b.a. MALLORY FEED AND SUPPLY, P.O. Box 512, Lexington, OK 73051. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. (1) *Lumber and wood products*, (a) from White City, OR to points in AR, KS, TX, OK, AZ, NV, UT, and CO; (b) from points in CA, OR, WA, ID, MT, AZ, and NM to points in OK, Benton County, AR, and Newton, Henry, and Polk Counties, MO; and (2) *Such commodities as are dealt in by manufacturers of garage doors*, (a) from points in OR and WA to Ada, OK and (b) from Ada, OK to Cerritos, CA. There are five (5) shippers supporting this application.

MC 154419 (Sub-5-2TA), filed April 27, 1981. Applicant: PAUL GAILEY, P.O. Box 3703 (520 Mobile Home Park), Enid, OK 73701. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Beer*, from Ft. Worth, TX to Shawnee, OK. Supporting shipper: Miller Central Sales Co., 617 E. Main, Shawnee, OK 74801.

MC 154646 (Sub-5-5TA), filed April 27, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Such commodities as are dealt in by building material and home improvement stores*, between pts in the US, under a continuing contract(s) with Payless Cashways, Inc. Supporting shipper: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111.

MC 154696 (Sub-5-4TA), filed April 27, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150,

Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Dry Fertilizer* between Helena and Blytheville, AR; Murray, KY; Woodstock, TN; and Carlsbad, NM on the one hand, and, on the other, Dexter, MO. Supporting shipper: Fleeman Farm Supply, Inc., Dexter, MO 63841.

MC 154883 (Sub-5-1TA), filed April 27, 1981. Applicant: LOGGINS TRUCKING COMPANY, 1925 Oakhurst Circle, P.O. Box 6676, Tyler, TX 75711.

Representative: Larry Loggins (same as Applicant). *Contract; Irregular. Fresh and Frozen meat products*, (1) between Tyler, TX, on the one hand, and, on the other, points on the East coast served by Loggins Meat Company including Williamsburg and Norfolk, VA, Columbia and Charleston, SC, Landover, MD, Camden and Bayonne, NJ, New York, NY, Boston, MA, (2) from New York, NY to Tyler, TX. Supporting shipper: Loggins Meat Company, 1908 East Erwin, Tyler, TX 75710.

MC 155345 (Sub-5-1TA), filed April 27, 1981. Applicant: METRO WRECKER SERVICE, INC., 6714 N. W. 38th, Bethany, OK 73006. Representative: Bert Woodring, 4701 N. Donald, Bethany, OK 73008. *Contract; Irregular. Disabled vehicles including tractors, trailers, and converter gears* between Bethany, OK on the one hand, and, on the other, points in the states of NM, TX, MO, OK, KS, AZ, AR and CO. Supporting shipper: Lee Way Motor Freight, Inc., 3401 NW 63rd St., Oklahoma City, OK 73116.

MC 155398 (Sub-5-1TA), filed April 27, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Feed, feed ingredients and fertilizer* Between points and places in Marion, Dickinson, McPherson, Harvey, Butler, Sedgwick & Morris Counties, KS on the one hand, and points and places in the U.S. (except AK & HI), on the other hand. Supporting shippers: AG Service, Inc., R.R. 2, Box 192-A, Hillsboro, KS 670; Kansas Crop Service, Inc., Box 66A, R.R. 1, Newton, KS 67114; Cargill, Inc., Nutrena Feed Div., P.O. Box 678, McPherson, KS 67460; Agriculture Service Center, Inc., 500 N. 7th St., Herington, KS 67449.

MC 155512 (Sub-5-1TA), filed April 27, 1981. Applicant: C. DEINUM INC., 259 Oryan Ct., Houston, TX 77015. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah WI 54956. *Contract; irregular; (1) Plastic scrap* from Baton Rouge, Plaquemine, and Lake Charles, LA, to Houston, TX, under contract to H. Muehlstein & Co., Inc. of Greenwich, Ct. (2) *Paint, raw materials,*

and pails from Houston, TX to Lake Charles, LA, under contract to Ribelin Sales, Inc. of Houston, TX. (3) *Plastic articles, pails, lids and covers* from Dallas, TX, to New Orleans, LA, under contract to Plastics, Inc. of Dallas, TX, to New Orleans, LA, under contract to Plastics, Inc. of Dallas, TX. (4) *Plastic pellets* from Houston, TX to Lake Charles, Baton Rouge, and New Orleans, LA under contract to Synthetic Materials Corp. of Houston, TX. Supporting shipper: H. Muehlstein & Co., Inc., 591 W. Putnam Ave., Greenwich, CT; Ribelin Sales, Inc., 7786 Blankenship Dr., Houston, TX 77055; Plastics, Inc., 2351 Santa Anna Ave., Dallas, TX 75228 and Synthetic Materials Corp., 700 Turkey St., Houston, TX 77020.

MC 155513 (Sub-5-1TA), filed April 27, 1981. Applicant: TEX-GOBER TRUCKING, INC., Rt. 1, Box 140, Naples, TX 75568. Representative: Wm. R. Garrett, P.O. Box 1050, Omaha, TX 75571. *Contract; irregular; Foodstuffs, including pet foods and equipment, materials and supplies used in the manufacturing and distribution of such foodstuffs, including pet foods, except those commodities requiring tank vehicles for transportation.* Between points in IL, KS, MO, and TX, on the one hand, and on the other, all points in AL, AR, GA, KS, LA, MS, MO, OK, and TX. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13592 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the *Federal Register* of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a name shipper "under contract".

Volume No. OPI-134

Decided: April 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 135410 (Sub-118F), filed December 31, 1980, and previously noticed in *Federal Register* issue of January 28, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266,

Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068, (312) 692-3020. Transporting (1) *food and related products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between the facilities of General Mills, Inc., at Cedar Rapids, IA, Galesburg, IL, Buffalo, NY, and Toledo, OH, and (2) between Galesburg, IL, on the one hand, and, on the other, points in AR, AZ, CA, IA, IN, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

Note.—This republication includes Galesburg, IL, in the territorial description in part (1).

Volume No. OP4-85

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 151358 (Sub-1F), filed December 4, 1980, previously noticed in the Federal Register of January 8, 1981. Applicant: THE BIRGE COMPANY, INC., 421 E. 16th St., Paterson, NJ 07514. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting (1) *automotive products and parts*, (2) *chemicals and cleaning compounds*, (3) *oils*, (4) *anti-freeze* (except commodities in bulk), and (5) *materials and supplies* used in their manufacture and distribution, between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—The purpose of this republication is to include the commodities of automotive parts, oils, and anti-freeze.

Volume No. OP5-89.

Decided: April 30, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 99938 (Sub-11), filed February 2, 1981. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives), between Hudson County, NJ, on the one hand, and, on the other, New York, NY, and points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rennselaer, Rockland, Sullivan, Ulster and Westchester Counties, NY.

MC 106958 (Sub-5), filed January 29, 1981. Applicant: KUPPER BROS., INC., Victory Circle, South Amboy, NJ 08879. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with NL

Industries, Inc., of E. Windsor, NJ and United Catalyst, Inc., of Louisville, KY.

MC 153789 (Sub-1), filed January 28, 1981. Published initially in the Federal Register on March 17, 1981. Applicant: MARYLAND TRANSPORT SYSTEMS, INC., P.O. Box 606, Elkton, MD 21921. Representative: Hubert D. Moye, P.O. Box 606, Elkton, MD 21921, 301-398-0100. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company at points in the U.S. on the one hand, and, on the other, points in the U.S. This application is republished to include the restriction to the shipper's facilities.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13598 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the ground 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 question) 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. OP1-133

Decided: April 28, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Taylor.

MC 128220 (Sub-33), filed April 17, 1981. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223-8244. As a broker of *general commodities*, (except household goods), between points in the U.S.

MC 148620 (Sub-11), filed April 20, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., 2270 Southwest 36th St., Fort Lauderdale, FL 33312. Representative: Robert W. Gerson, 1400 Candler Bldg., Atlanta, GA 30303 (404) 658-8045. Transporting, for or on half 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 154050 (Sub-3), filed April 17, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers & O'Brien Streets, Kearny, NJ 07032. Representative: Harry H. Jordan, Suite 502, Solar Bldg., 1000 16th Street, N.W., Washington, DC 20036 (202) 783-8131. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155241, filed April 10, 1981. Applicant: COY TERRY d.b.a. COY TERRY & SONS, P.O. Box 272, Whitehouse, TX 75791. Representative: Coy E. Terry, 2615 Golden Rd., Tyler, TX 75701 (214) 592-3108. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155301, filed April 13, 1981. Applicant: JERRY W. HOWELL, Route 2, Piggott, AR 72454. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201 (501) 375-9151. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155400, filed April 20, 1981. Applicant: GOVERNMENT SERVICES TRANSPORTATION, INC., 7081 Oakland Mills Rd., Columbia, MD 21046. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442-8330. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) 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 155431, filed April 20, 1981. Applicant: J & M BROKERS, R.R. No. 1, Box 111A, Oakley, IL 62552. Representative: James E. Ashby (same

address as applicant) (217) 763-6514. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-056

Decided April 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 153114 (Sub-2), filed April 22, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 East 81st St., Bloomington, MN 55420. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927-8855. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-111

Decided April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 143636 (Sub-15), filed April 22, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 So. Sixth St., Springfield, IL 62703, (217) 735-3925. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-4-113

Decided April 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 150447 (Sub-6), filed April 23, 1981. Applicant: GSC TRANSPORT, INC., 166 National Rd., Edison, NJ 08817. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-441. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-13598 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP4-84]

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** issue of July 3, 1980, at 45 FR 45539.

MC 150657 (Sub-1F), (republication), filed November 4, 1980; published in the **Federal Register** issue of December 2, 1980; and republished this issue. Applicant: B. L. S. LIMOUSINE SERVICE, INC., 11242 Playa Court, Culver City, CA 90230. Representative: Fred Altman (same address as applicant). A decision of the Commission, Review Board 3, acting as an Appellate Division, decided February 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter operations, beginning and ending in Culver City, CA, and extending to points in the United States in and west of New Mexico, Colorado, Wyoming, and Montana; that the applicant is fit, willing and able to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,
Secretary

[FR Doc. 81-13594 Filed 5-5-81; 8:40 am]

BILLING CODE 7035-01-M

[Decision Volume No. 423]

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 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.

MC 297(Sub-12F) (republication), filed August 27, 1979; published in the *Federal Register* issue of March 6, 1980; and republished this issue. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. A decision of the Commission, Review Board 2, acting as an Appellate Division, decided February 12, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), between Ridgefield, WA, and points in Cowlitz County, WA, on the one hand, and, on the other, Portland, OR; points in Lewis, Thurston, Pierce, King, Snohomish, Skagit, Whatcom, and Mason Counties, WA; and the ports of entry on the international boundary line between the United States and Canada, located in Washington; that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—Applicant intends to tack the granted authority with its regular-route authority held under Certificates No. MC-297 and No. MC-297 Sub 7. The purpose of this republication is to reflect that tacking is intended.

MC 3717(M1)F (republication), notice of filing of petition to modify certificate; filed November 6, 1979; published in the *Federal Register* issue of March 26, 1980; and republished this issue. Petitioner: SERVICE WAREHOUSE COMPANY, INC., 112 Poinier Street, Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A decision of the Commission, Review Board 2, acting as an Appellate Division, decided November 24, 1980 and finds that the present and future public convenience and necessity require

modification of petitioner's Certificate in MC 3717, issued May 18, 1978, to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (A) over regular routes, (1) *fish containers, sea food, sea food products, adhesives, ink, and paper*, between Gloucester, MA and New York, NY, and all intermediate and off-route points within 5 miles of Gloucester, and those within 10 miles of New York, NY: from Gloucester over Massachusetts Hwy 121 to Essex, MA, then over Massachusetts Hwy 22 to Beverly, MA, then over Massachusetts Hwy 107 via Revere, MA, to junction Massachusetts Hwy 1A, then over Massachusetts Hwy 1A to Boston, MA, then over U.S. Hwy 1 to Providence, RI, then over Rhode Island Hwy 3 to Westerly, RI, and then over U.S. Hwy 1 to New York and return over the same route; (2) *fish containers, sea food, and sea food products*, between Boston, MA, and New York, NY, and the intermediate points of Providence, RI and New Haven, CT, and the off-route points within 10 miles of New York, NY: from Boston over U.S. Hwy 1 to Providence, RI, then over Rhode Island Hwy 3 to Westerly, RI, then over U.S. Hwy 1 to New York, and return over the same route; and (B) over irregular routes, (1) *foods*, between points in CT, MD, MA, NJ, NY, and PA; (2) *sea food*, from Boston and Gloucester, MA, to Albany and Troy, NY; and (3) *petroleum products*, from Chelsea, MA, to North Hampton, NH; that the applicant is fit, willing and able to properly perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to reflect petitioner's actual grant of authority.

MC 61016 (Sub-52F) (republication), filed July 3, 1979; published in the *Federal Register* issue of March 18, 1980; and republished this issue. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Edward G. Villalon and Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. A decision of the Commission, Division 2, decided April 23, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter and special operations, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York; and (2) beginning

and ending at points in the States named in (1) above, and extending to points in the United States (including Alaska but excluding Hawaii); that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to eliminate the restriction imposed in the publication of March 18, 1980.

MC 141406 (Sub-4F) (republication), filed September 23, 1980; published in the *Federal Register* issue of October 14, 1980; and republished this issue. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, CA 90039. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. A decision of the Commission, Review Board 1, acting as an Appellate Division, decided February 2, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *classes A, B and C explosives*, between points in Arizona, Nevada, and Utah, on the one hand, and, on the other, points in California; that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to correctly reflect the territorial description. To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring five (5) years from its date of issue.

MC 148127 (Sub-7F) (republication), filed December 17, 1979; published in the *Federal Register* issue of March 27, 1980; and republished this issue. Applicant: LINEHAUL EXPRESS, INC., P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). A decision of the Commission, Review Board 3, acting as an Appellate Division, decided February 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from Waco, TX; Chicago, IL; Elizabethtown, PA; and Hackettstown, NJ, to points in CT, MA, ME, NH, NJ, NY, IL, and RI; that the applicant is fit, willing and able to properly perform such service and to

conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to eliminate the vehicular and "originating at and destined to" restrictions imposed in the publication of March 27, 1980.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13585 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP3-230]

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 45194 (Sub-27) (Republication), filed October 15, 1980, published in the Federal Register issue of November 14, 1980, and republished this issue. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler Church Ave., S.W., Canton, OH 44706. Representative: M. Diane Neal (same address as applicant). A Decision of the Commission, Review Board Number 1, decided February 23, 1981 and served March 12, 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 *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission) between points in OH, PA, and WV, on the one hand, and, on the other, points in the United States (except AK and HI); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. The purpose of this republication is to

indicate that the request for authority is for permanent authority in lieu of temporary as previously noticed in the Federal Register.

MC 106644 (Sub-357) (republication), filed December 31, 1980, published in the Federal Register issue of February 5, 1981 and republished this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). A Decision of the Commission, Review Board Number 2, decided April 24, 1981 and served April 29, 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) *commodities*, the transportation of which because of size or weight, require the use of special equipment, (2) *self-propelled articles* (except automobiles), and (3) *building materials*, between points in the United States; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13597 Filed 5-5-81; 8:45 am]

BILLING CODE 1035-01-M

[Permanent Authority Decisions Volume No. 73]

Restriction Removals; Decision-Notice

Decided: April 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or

broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(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 2202 (Sub-669)X, filed April 21, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-655 certificate and its authority acquired in MC-F-14090 (embraced in MC 96961 (Sub-3)) to broaden its territorial authority to (a) in Sub-No. 655, eliminate the restriction against traffic originating at, destined to, or interchanged at Humboldt, Brownsville, and Bells, TN; authorize service at all intermediate points between Memphis, TN and Paris Landing, TN; and eliminate the restriction against joinder with other authorized routes, with the exception that joinder shall be authorized with all authorities to perform service to and from specified cities in TN; and (b) in MC-F-14090, eliminate the restriction against traffic having a prior or subsequent movement by rail.

MC 48956 (Sub-21)X, filed April 24, 1981. Applicant: JAMES FLEMING TRUCKING, INC., 761 East St., Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 8, 9, 11, 13F, 14F, 17F, 18F permits to (1) broaden the commodity descriptions to "such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses" from (a) frozen foods in Sub-2 (Part 2), (b) canned goods in Sub-8, (c) groceries in Sub-9, (d) canned foodstuffs and pet food in Sub-No. 11, (e) foodstuffs in Sub-13F, (f) canned baby food and dry cereal in Sub-14F and (g) canned foodstuffs, bakery goods, chips, twists or puffs and pet food in Sub-18F; (2) eliminate the "in bulk" restriction in Sub-2 (Part 1), 5, 13F, 17F and "except frozen" restriction in Sub-13; and (3) broaden the territorial

authorities to between points in the United States, under a continuing contract(s) with named shippers in the above permits.

MC 107515 (Sub-1418)X, filed April 17, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 305, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., NE, Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-1326, 1330F, 1344, 1353F, and 1369F certificates to (1) remove facilities limitations at Memphis, TN, in Sub-1344; (2) replace facilities at Morrow, GA, with Clayton County, GA, in Sub-1353F and 1369F; and facilities at Greensboro, NC with Guilford County, NC; (3) remove originating at or destined to restrictions in Sub-1326, 1330F, 1353F; and (4) replace one-way with radial authority (a) (i) between 22 eastern and southern States and DC, and, IL, IA, MN, and WI and (ii) between IL and IA, and MN, ND, SD, and WI in Sub-1326; (b) between Chicago, IL, and MN, ND, SD, and 22 WI counties in Sub-1330F; (c) between Clayton County, GA, and AL, FL, KY, NC, SC, and TN in Sub-1353F; and (d) between Clayton County, GA, and Guilford County, GA and points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; (5) remove the AK and HI exception in Sub-1344F; and (6) remove the following restrictions: (a) except in bulk, in Sub-1326, 1330F, and 1353F; (b) except foodstuffs in Sub-1326, and (c) in vehicles equipped with mechanical refrigeration in Sub-1330.

MC 124774 (Sub-141)X, filed April 20, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions to "food and related products" from specified commodities such as, (a) meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766, (b) meat, in carcass form, (c) hides, skins and pieces thereof and animal feeds, as described in Section C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766, (d) dairy products, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 81 M.C.C. 209 and 766, and (e) fish flour; (2) eliminate all exceptions, such as, commodities in

bulk, hides, frozen food, and fats; (3) remove all plantsite and originating at or destined to restrictions and the restriction against transportation of shipments destined to Chicago, IL; (4) change its one-way authorities to radial authorities between points throughout the U.S.; and (5) replace some cities with authority to serve the counties: Gordon, Norfolk, Minden, Lexington, Millard, Darr, York, Schuyler, Lincoln and Humboldt with Sheridan, Madison, Kearney, Dawson, Douglas, York, Colfax, Lancaster, and Richardson Counties, NE; Onawa, Waterloo, and Columbus Junction with Monona, Black Hawk, and Louisa Counties, IA; Logansport, East Chicago, Gary, Hammond, and Lafayette with Cass, Lake, Porter and Tippecanoe Counties, IN; Mankato, Garden City, and Wichita with Jewell, Finney, and Sedgwick Counties, KS; Guymon with Texas County, OK; Phelps City with Atchison County MO; Sterling, Fort Morgan, La Junta, and Evans with Logan, Morgan, Otero, and Weld Counties, CO; Buhl with Twin Falls County, ID; Campbellsville with Taylor County, KY; New Bedford with Bristol County, MA; Greenport with Suffolk County, NY.

MC 129291 (Sub-18)X, filed April 22, 1981. Applicant: McDANIEL MOTOR EXPRESS, INC., 115 Winchester Road, Lexington, KY 40505. Representative: William L. Willis, Suite 708 McClure Bldg., Frankfort, KY 40601. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 8, 9, 13F, 14F and 15F certificates to (1) authorize service at all intermediate points between Paris and Maysville, KY, in Sub-No. 5; Louisville and Lexington, KY, in Sub-No. 7; North Middleton and Lexington, and Maysville, KY, and Washington, Court House, OH, in Sub-No. 8; Maysville, KY, and Columbus, OH, in Sub-13F; Lexington and Olive Hill, KY, in Sub-14F; and Lexington, KY, and Atlanta, GA, in Sub-15F; and (2) remove the following restrictions (a) "ex-air" in Sub-2; (b) against service at Carlisle, KY and Ohio points in Maysville, KY commercial zone in Sub-5; (c) against service at points in Indiana, in the Louisville, KY commercial zone, and against service at Paris and Lexington, KY and points on U.S. Hwy 68 between Paris and Lexington, KY, in Sub-7; (d) against traffic originating at or destined to Louisville or Lexington, KY, in Sub-8; (e) against service originating at or destined to named facilities at or near Carlisle, KY, and Millersburg, KY, in Sub-9, and (f) joinder only or interchange only in Sub-7 and 8.

MC 134477 (Sub-445)X, filed April 20, 1981. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicants seeks to remove restrictions in its Sub-228F, 229F, 361F, 396F and 406F certificates to (1) broaden the commodity description from chemicals (except in bulk) to "chemicals and related products" in all subs. (2) remove the "originating at and destined to" restrictions in all subs and (3) change one-way to radial authority between various combinations of States in all Sub-Nos. and between points in 13 states, and facilities at points in OH in Sub-396F.

MC 143594 (Sub-31)X, filed April 20, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 2298, Greenbay, WI 54306. Representative: Warren L. Troupe (same as applicant). Applicant seeks to remove restrictions in its Sub-6F certificate to (1) broaden the commodity description from chemicals in bulk to "commodities in bulk"; (2) broaden the territorial scope by (a) replacing facilities with Parish-wide authority as follows: Plaquemine and Carville with Iberville Parish, Donaldsonville with Ascension Parish, Napoelonville with Assumption Parish, Grand Bayou with Red River Parish, Bayou Teche with St. Landry Parish, Oakdale with Allen Parish, Garyville with St. John the Baptist Parish, Allemania with Iberville Parish, Baton Rouge with East Baton Rouge Parish, Denham Springs with Livingston Parish, and (b) replacing one-way with radial authority to serve between points in the above named parishes on the one hand, and, on the other, points in the U.S.; and (3) remove the exception of AK and HI.

MC 144398 (Sub-10)X, filed April 16, 1981. Applicant: WAYNE TRANSPORT, INC., Box 366, Milaca, MN 56353. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Applicants seeks to remove restrictions in its Sub-2F certificate to (a) broaden the commodity description from asphalt, asphalt compounds, and road oils to "petroleum, natural gas and their products"; (b) replace Waseca, MN, with Waseca County, MN; and (c) replace one-way with radial authority between Minneapolis, MN, Superior, WI and Waseca County, MN, and, ND, SD, WI, IA, and MN.

MC 144667 (Sub-22)X, filed April 20, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to

remove restrictions in its Sub-Nos. 2F, 5F, 7F, 8F, 11, 14F, and 17F certificates to (1) broaden the commodity description (a) from cellulose insulation and materials, equipment and supplies used in the sale and installation of cellulose insulation, and materials, equipment and supplies, in Sub-2F, to "pulp, paper, and related products"; (b) from fire retardant products, and materials, equipment and supplies, in Sub-2F, to "chemicals and related products"; (c) from beverages and materials, equipment and supplies used in the manufacture, sale and distribution of beverages, to "food and related products and materials, equipment, and supplies used in the manufacture, sale, and distribution thereof", in Sub-5F, (d) from meats, meat products, meat byproducts, and articles distributed by meat-packinghouses, 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 hides and commodities in bulk), in Sub-7F, 11, and 14F (with no exceptions in Sub-11 and 14F), and prepared animal diets, meats, meat products, meat and byproducts and articles distributed by meat-packinghouses, and materials, equipment, and supplies, in Sub-17F, to "food and related products"; (e) from tub grinders, brackets, buckets, cabs, and roll bars, parts and accessories and materials, equipment, and supplies, in Sub-5F; farm equipment parts, in Sub-11, to "machinery"; (f) from metal articles in Sub-5F, to "metal products"; (g) from cabinets in Sub-8F, to "furniture and fixtures"; and (h) from hydraulic hoses and couplings, to "rubber and plastic articles" in Sub-11; (2) remove the exception of AK and HI and a State of origin in Sub-2F, 5F, 8F, 11, and 17F; (3) remove facilities limitations at Scottsbluff, NE, Fremont, NE, and Ottumwa, IA, in Sub-7F, Austin, MN, in Sub-14F, and North Platte, NE, in Sub-17F; (4) remove originating at or destined to restrictions in Sub-2F and 5F; (5) replace Scottsbluff, NE with Scotts Bluff County, NE, in Sub-2F, 5F, and 7F; Torrington, WY, with Goshen County, WY, in Sub-2F; Greeley, CO, with Weld County, CO, in Sub-5F; Fremont, NE, with Dodge County, NE, Ottumwa, IA, with Wapello County, IA, and Schuyler, NE, with Colfax County, NE, in Sub-7F; Gering, Gordon, and Minden, NE, with Scotts Bluff, Sheridan and Kearney Counties, NE, and Glasgow, MT, with Valley County, MT, in Sub-11; Austin, MN, with Mower County, MN, and Binghamton, NY, with Broome County, NY, in Sub-14F; and North Platte, NE, with Lincoln County, NE, in Sub-17F; (6) replace one-

way with radial authority between combinations of the above counties and points throughout the U.S.

MC 145926 (Sub-4)X, filed April 15, 1981. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-3 permit to (1) broaden the commodity description from automobile parts and materials, equipment and supplies (except commodities in bulk) used in the manufacture and distribution of automobile parts, to "transportation equipment"; and (2) broaden the territory description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-13593 Filed 5-6-81; 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. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY 4-110

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams. (Williams not participating).

MC 136786 (Sub-246), filed April 23, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Ave., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *conveyer belts*, between the facilities of All-State Belting Co., Inc., in Polk County, IA, on the one hand, and, on the other, Charlotte, NC.

MC 140986 (Sub-17), filed April 23, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane—P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company of Macedon, NY.

MC 147636 (Sub-20), filed April 23, 1981. Applicant: LARRY E. HICKOX,

d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting (1) *chemicals and related products* and (2) *plastic products*, between points in the U.S., under continuing contract(s) with Dow Chemical Company, Health and Consumer Products Department, of Indianapolis IN.

Volume No. OPY4-112

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 59666 Sub-(14), filed April 22, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega, 510 Turks Head Bldg., Providence, RI 02903, (401) 272-4040. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Bercen, Inc., of Cranston, R.I.

MC 139906 (Sub-160), filed April 22, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476-1144. Transporting *mineral ores*, between points in Clay County, FL, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-19), filed April 22, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, P.O. Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *food and related products*, between points in Vermillion and Peoria Counties, IL, Dodge County, WI, West Feliciana and Avoyelles Parishes, LA, on the one hand, on the other, points in the U.S.

MC 150206 (Sub-2), filed April 22, 1981. Applicant: DANTE GENTILINI TRUCKING, INC., 30W443 Roosevelt Rd., P.O. Box 387, West Chicago, IL 60185. Representative: Donald W. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298-1094. Transporting *general commodities*, (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with W.R. Grace & Co., of Cambridge, MA.

MC 155456, filed April 22, 1981. Applicant: BERLIN TRANSPORT, INC., 300 West St., Berlin, MA 01503. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills,

MA 02181, (617) 235-5571. Transporting *food and related products*, between points in CT, ME, MA, RI, NH, and VT, 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 155476, filed April 23, 1981. Applicant: LOYD THOMPSON TRUCKING CO., INC., P.O. Box 677, Bowdon, GA 30180. Representative: Nathan L. Finkelstein, 1729 21st St., NW., Washington, DC 20009, (202) 332-7737. Transporting *ores and minerals, fertilizer, and feed and feed ingredients*, between point in AL, GA, FL, and TN.

Volume No. OPY 4-144

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 33317 (Sub-7), filed April 1, 1981, and previously noticed in the *Federal Register* issue of April 21, 1981, and republished this issue. Applicant: BOLUS FREIGHT SYSTEMS, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Over regular routes, transporting *general commodities* (except Classes A and B explosives), (1) between Philadelphia, PA, and Syracuse, NY; from Philadelphia, over U.S. Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 33, then over PA Hwy 33 to junction PA Hwy 611, then over PA Hwy 611 to junction Interstate Hwy 380 at or near Tobyhanna, PA, then over Interstate Hwy 380 to Scranton, PA, then over U.S. Hwy 6, to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81 at or near Johnson City, NY, then over Interstate Hwy 81 to Syracuse, and return over the same route, serving all intermediate points and the off-route points of Lackawanna, Luzerne, Northampton, Lehigh, Berks, Schuylkill and Montgomery Counties, PA, and those points on and north of the PA-NY State line beginning at or near Wattsburg, PA and extending east to Hale Eddy, NY, then over an imaginary line to Hancock, NY, and extending over NY Hwy 17 beginning at Hancock, NY and extending to junction NY Hwy 30, at East Branch, then over NY Hwy 30 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, NY, then over NY Hwy 199 to the NY-CT State line, and (2) Between Scranton, PA, and Newark, NJ; From Scranton over Interstate Hwy 380 to junction PA Hwy 611 at or near Tobyhanna, PA, then over PA Hwy 611 to junction Interstate Hwy 80 at or near Stroudsburg, PA, then over Interstate,

Hwy 80 to junction U.S. Hwy 46 at or near Columbia, NJ, then over U.S. Hwy 46 to junction NJ Hwy 31 at or near Buttzville, NJ, then over NJ Hwy 31 to junction U.S. Hwy 22 at or near Annandale, NJ, then over U.S. Hwy 22 to Newark, NJ, serving all intermediate points and serving as off-route points those points in NJ and those in NY south of NY Hwy 17 beginning at Hancock, NY, and extending to junction NY Hwy 30 at East Branch, then over NY Hwy 30 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, then over NY Hwy 199 to the NY-CT State line, and Nassau and Suffolk Counties, NY, and New York, NY.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13960 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.98 Amdt. No. 2]

Director, Office of Contract Management; Revocation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836, May 16, 1973) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby revoke Redelegation of Authority No. 99.1.98 to Mr. Arthur Bjorlykke.

This revocation is effective on the date of signature.

Dated: March 12, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13625 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.83, Amdt., No. 3]

Mission Director, USAID/Egypt; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No.

99.1.83 dated January 26, 1977 (38 FR 27628) as follows:

The first paragraph is hereby amended to reflect the following changes: Subhead (1) is revised to read as follows:

"(1) U.S. Government contracts including contracts with individuals for services of the individual alone, grants and amendments thereto provided that the amount of each individual contract or grant action does not exceed \$1,000,000 per transaction or local currency equivalent."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect. Actions within the scope of this amendment heretofore taken by the officials designated in such amended delegation are hereby ratified and confirmed.

This amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13626 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.105, Amdt. No. 2]

Mission Director, USAID/Indonesia; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.105, dated December 18, 1978, as amended, as follows:

The first paragraph is hereby amended to change the stated amount of \$300,000 to read \$1,000,000.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. Actions within the scope of this delegation are hereby ratified and confirmed.

The amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13627 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.74, Amdt. No. 2]

Mission Director, USAID/Philippines; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.74 dated November 6, 1975, as amended, as follows:

The first paragraph is hereby amended to reflect the following change:—At the end of the first paragraph after "(or local currency equivalent)" add the phrase "aggregate amount."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. This amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13628 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.87, Amdt. No. 2]

Raymond J. Potocki; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.87, dated July 25, 1977, as amended, to insert a new paragraph as follows:

"The authorities herein delegated may be redelegated at your discretion, not to exceed \$500,000 per transaction only to the Assistant Area Contracting Officer. The authority so delegated may not be further redelegated."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. Actions within the scope of this amendment heretofore taken by the officials designated in such amended delegation are hereby ratified and confirmed.

The amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13629 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-89]

Certain Apparatus for the Continuous Production of Copper Rod; Advice to the U.S. Customs Service Regarding Return of Posted Bond and Non-Collection of Future Bond

AGENCY: International Trade Commission.

ACTION: Advice to U.S. Customs Service regarding return of posted bond and non-collection of future bond.

SUMMARY: On April 30, 1981, the Commission advised the U.S. Customs Service that (1) there is no reason to continue to collect the 100% bond on future importations of the apparatus in question and (2) the bond which has been collected for past importations should be returned.

SUPPLEMENTARY INFORMATION: On October 29, 1980, the U.S. International Trade Commission issued a temporary exclusion order (TEO) in the above-captioned investigation. The TEO excluded any rolling mill described by claims 7, 9, 11, or 12 of U.S. Letters Patent 4,129,179 and components of such rolling mills, until a final determination under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in this investigation. The articles ordered to be excluded were entitled to entry under bond of 100 percent ad valorem, however.

On April 10, 1981, respondents Krupp G.m.b.H. and Krupp International Inc. and complainant Southwire Co. entered in a settlement agreement that could have the effect of terminating this investigation. All of the parties to the investigation filed a joint motion on April 17, 1981, to (1) effect return of the bond which has been posted in compliance with the temporary exclusion order (TEO) of October 29, 1980, and (2) remove the requirement for collection of further bond on future importations. The parties explicitly stated that they are not asking to vacate or otherwise modify the TEO, however.

The Commission's advice to the Customs Service, in the form of a letter from the Commission Chairman to the Commissioner of Customs, is available for public inspection in the Office of the Secretary, U.S. International Trade

Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0359.

Issued: May 1, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-13645 Filed 5-5-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Commission Schedule for Filing Written Submissions on the Presiding Officer's Recommendation; on Relief, Bonding, and the Public Interest; and for Requesting a Public Hearing

AGENCY: International Trade Commission.

ACTION: Request for written submissions regarding the presiding officer's recommendation, relief, bonding, and the public interest in investigation No. 337-TA-76, Certain Food Slicers and Components Thereof.

SUMMARY: Notice is hereby given that based on a motion for summary determination (Motion 76-16) by complainant Prodyne Enterprises, Inc., the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), in the importation into the United States and sale of certain food slicers and components thereof that are the subject of the Commission's investigation. Accordingly, Motion 76-16, the papers in support thereof, and the recommended determination have been certified to the Commission for review and a Commission determination. No public hearing is presently scheduled in this matter.

Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

Although no public hearing before the Commission is scheduled, requests for such a hearing will be considered by the Commission. If a public hearing is requested and the Commission grants

that request, the hearing will be held on Thursday, May 28, 1981.

SUPPLEMENTARY INFORMATION:

Written Submissions on Patent Validity, Infringement, and Injury

The Commission hereby requests that the parties submit briefs on the following issues: (1) The validity of U.S. Letters Patent 3,766,817, particularly as to the questions of anticipation and obviousness; (2) the infringement of claim 6 and/or claim 7 of U.S. Letters Patent 3,766,817 by the accused Mishan slicer, particularly as to the issue of the "cutting element having one end looped around the portion of said one leg" in view of the doctrine of file wrapper estoppel; and (3) the question of whether the alleged unfair act or unfair method of competition has an effect or tendency to destroy or substantially injure an industry efficiently and economically operated in the United States, particularly as to the issues of whether the unfair act is the infringement of U.S. Letters Patent 3,766,817 by respondent Mishan, by other respondents who have been terminated on the basis of licensing and/or settlement agreements, by other persons unknown or by all or some of the above, and having defined the unfair act, whether the uncontroverted facts are sufficient as a matter of law to establish an effect or tendency to destroy or substantially injure an efficiently and economically operated U.S. industry. Such briefs must be filed no later than Friday, May 22, 1981.

Written Submissions on Relief, Bonding, and the Public Interest

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the

Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond, if any, which should be imposed.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning whether the aforementioned public interest factors preclude relief in this investigation.

All written submissions on relief, bonding and the public interest must be filed not later than the close of business on Friday, May 22, 1981.

Request for Hearing

Written requests for a hearing before the Commission must be received by the Office of the Secretary no later than Friday, May 15, 1981. Any request for a hearing must state in detail the reason for such request, including the reasons why the issues in question cannot be addressed adequately by means of written submissions.

ADDITIONAL INFORMATION: The original copy and 11 true copies of all written submissions must be filed with the Office of the Secretary not later than May 22, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT:

Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0143; Scott M. Daniels, Esq., Office of

the General Counsel, U.S. International Trade Commission, telephone 202-523-0480.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-13646 Filed 5-5-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-54]

**Certain Multicellular Plastic Film;
Advisory Opinion**

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted Canadian Tarpoly Co.'s request for an advisory opinion interpreting the exclusion order issued in the above-captioned investigation.

AUTHORITY: The authority for this action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 211.54(b) of the Commission's Rules of Practice and Procedure (19 CFR 211.54(b)).

SUPPLEMENTARY INFORMATION: On December 19, 1980, the Commission received a petition filed on behalf of Canadian Tarpoly Co., a Canadian manufacturer of multicellular plastic film. The petition requested an advisory opinion on the scope of the exclusion order issued by the Commission on June 29, 1979, at the conclusion of the above-captioned investigation. Canadian Tarpoly proposes to move the manufacture of the plastic film it uses in the construction of its pool cover to the United States, export the plastic film to Canada for assembly of the pool covers, and then reship covers to the United States. Canadian Tarpoly has asked the Commission to issue an opinion as to whether this procedure would violate the Commission's exclusion order. The Commission has issued an advisory opinion that the procedure in question would not violate its order.

FOR FURTHER INFORMATION CONTACT: Christine Bliss, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-13647 Filed 5-5-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-30 (Final)]

**Unrefined Montan Wax From East
Germany; Postponement of
Prehearing Conference and Hearing**

AGENCY: International Trade Commission.

ACTION: Notice of postponement of prehearing conference and hearing.

SUMMARY: The U.S. International Trade Commission announces the postponement of the prehearing conference and the hearing on unrefined montan wax.

FOR FURTHER INFORMATION CONTACT:

Judith Case, U.S. International Trade Commission, 202-523-0339.

SUPPLEMENTARY INFORMATION: The prehearing conference which had been scheduled for May 1, 1981, and the hearing in this investigation which had been scheduled for June 8, 1981, have been postponed until further notice. The Commission's prehearing conference and hearing have been postponed as a result of the postponement by the United States Department of Commerce, for up to 60 days, of its final determination, as to the question of whether unrefined montan wax from East Germany is being, or is likely to be sold in the United States at less than fair value. The prehearing conference and the hearing will be rescheduled at such time as Commerce makes its final determination, and a notice will be published with these dates, at that time.

The Commission will prepare and place on the record by May 20, 1981, a staff report containing preliminary findings of fact, the public portion of which will be made available to interested persons. Commission rule 207.22, requiring the submission of prehearing statements by parties within 15 days of release of the staff report is waived for purposes of this investigation to allow parties time to address all relevant issues which may develop. The date for submission of the prehearing statements will be accounced in the Commission notice rescheduling the prehearing conference and the hearing.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-13648 Filed 5-5-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

**Attorney General's Task Force on
Violent Crime; Meeting**

The Attorney General's Task Force on Violent Crime will meet from 9:30 a.m. until 5:00 p.m. on May 20 and 21, 1981, in the Georgia World Congress Center, 285 International Boulevard, NW., Atlanta, Georgia.

The first day of the meeting will be devoted to the taking of public testimony on the subject of the federal government's role in combatting violent crime and how that role could be strengthened with particular emphasis on federal-state-local relations. Persons interested in testifying should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Washington, D.C. 20530 (telephone number 202/633-1617). On the second day of the meeting the Task Force members will discuss a broad range of issues which have been identified by the Task Force staff as relevant to the Task Force's focus on ways in which the federal government could do more to combat violent crime within present statutory authority and resource allocations.

The meeting will be open to the public. Approximately 200 seats will be available for the public and media representatives on a first-come first-served basis.

Inquiries may be addressed to the Committee Management Liaison Officer at the above address.

Jeffrey Harris,

Executive Director, Attorney General's Task Force for Violent Crime.

[FR Doc. 81-13639 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

**Importer of Controlled Substances;
Registration**

By Notice dated March 10, 1981, and published in the *Federal Register* on March 16, 1981 (46 FR 16994), Stepan Chemical Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaf, a basic class of controlled substance listed in schedule II.

No comments or objections have been received. Therefore pursuant to Section

1008 (a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 30, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 81-13586 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 19, 1980, Abbott Laboratories, 14th & Sheridan Rd., Attn: Customer Service D-345, N. Chgo., Ill. 60064, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Pentobarbital (2270).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537. Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 8, 1981.

Dated: April 30, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 81-13582 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated March 10, 1981, and published in the Federal Register on March 16, 1981 (46 FR 16995), Hoffman La Roche Inc., Kingland Rd. and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Alprazolam	II
Levorphanol	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

Dated: April 30, 1981.

[FR Doc. 81-13583 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 81-3]

Robert T. Thorpe, D.V.M.; Overland Park, Kansas; Hearing

Notice is hereby given that on February 5, 1981, the Drug Enforcement Administration, Department of Justice, issued to Robert T. Thorpe, D.V.M., Overland Park, Kansas, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823), executed on August 14, 1980, to prescribe, dispense, distribute, conduct research or otherwise handle controlled substances.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, May 12, 1981, commencing at 1:30 p.m., or as soon thereafter as this matter may be reached, in the Hearing Room of the Occupational Safety and Health Review Commission, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: May 1, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 81-13587 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

The Role of Private Counsel in Indigent Defense; Competitive Research

Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining The

Role of Private Counsel in Indigent Defense.

The solicitation asks for preliminary proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must contain a U.S. Postal Service postmark dated no later than June 26, 1981. A grant or cooperative agreement for a 21 month research project is planned, with funding not to exceed \$275,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, The Role of Private Counsel in Indigent Defense, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

April 27, 1981.

Harry M. Bratt,
Acting Director, National Institute of Justice.

[FR Doc. 81-13581 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(81-42)

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on High Performance Aircraft Systems.

DATE AND TIME: May 26, 1981, 8:30 a.m. to 4:30 p.m.; May 27, 1981, 8:30 a.m. to 4:30 p.m.; May 28, 1981, 8:30 a.m. to 12:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue, SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Levine, National Aeronautics and Space Administration, Code R/JFH-2, Washington, DC 20546 (202/755-2366).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on High Performance Aircraft Systems was established to assist the NASA in assessing the current adequacy of high performance aircraft technology and recommend actions to reduce deficiencies through modification of the

planned NASA research and technology program in flight dynamics, aerodynamics, structures and materials, propulsion, airframe/propulsion integration, integrated propulsion/airframe controls, and flight research. The Subcommittee, chaired by Mr. William T. Hamilton, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda:

May 26, 1981

- 8:30 a.m.—Welcome and Introduction.
- 8:45 a.m.—NASA Aeronautics Budget Overview/Long Range Planning.
- 9:45 a.m.—Office of Aeronautics and Space Technology Facility Productivity Improvement Program.
- 11:15 a.m.—Ongoing NASA Aeronautics High Speed Aircraft Program.
- 3:00 p.m.—Presentations of Subcommittee Member Views on Research and Technology Needs for High Speed Aircraft (Near Term: 2-4 Years and Long Term 5-10 Years).
- 4:30 p.m.—Adjourn.

May 27, 1981

- 8:30 a.m.—Continuation of Presentations of Subcommittee Member Views on Research and Technology Needs for High Speed Aircraft (Near Term 2-4 Years and Long Term 5-10 Years).
- 10:30 a.m.—Review of NASA Aeronautics High Speed Aircraft Fiscal Year 1982 and Long Range Plan.
- 2:30 p.m.—Assessment of Planned High Speed Aircraft Program Elements as to Technology Evolution, Demonstration, or Validation categorization.
- 3:00 p.m.—Discussion of Subcommittee Report Contents.
- 4:30 p.m.—Adjourn.

May 28, 1981

- 8:30 a.m.—Preparation of Subcommittee Report.
- 12:30 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 28, 1981.

[FR Doc. 81-13566 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

[81-43]

NASA Advisory Council, Aeronautics, Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National

Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Materials and Structures.

DATE AND TIME: June 2, 1981, 8:15 a.m. to 5 p.m.; June 3, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue, SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Leonard A. Harris, National Aeronautics and Space Administration, Code RTM-6, Washington, DC 20546 (202/755-2364).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Materials and Structures was established to assist the NASA in assessing the current adequacy of materials, structures, and structural dynamics technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program. The Subcommittee, chaired by Dr. Martin Goland, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda:

June 2, 1981

- 8:15 a.m.—Review of NASA Materials and Structures Long Range Plan.
- 1:15 p.m.—Plans for fiscal year 1983.
- 5 p.m.—Adjourn.

June 3, 1981

- 8:30 a.m.—Discussion of fiscal year 1983 Plan.
- 10:30 a.m.—Review of Select Aspects of Ongoing Program.
- 1 p.m.—Discussion.
- 4 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

[FR Doc. 81-13567 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

[81-44]

Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the

Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: June 1-5, 1981, 8:30 a.m. to 5:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20771, Bldg. 99, Management Conference Facility.

FOR FURTHER INFORMATION CONTACT:

Dr. Edward A. Flinn, Code ERG-2, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3848).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, Chaired by Mr. Floyd I. Roberson, consists of 20 members. During this meeting the Advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Announcement of Opportunity for data use studies of plate movement and crustal deformation using space techniques. Throughout this session the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Geodynamics Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Announcement of Opportunity for data use investigations in the Crustal Dynamics Program.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 28, 1981.

[FR Doc. 81-13568 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES**Music Panel (Composers Section); Meeting**

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Composers Section) to the National Council on the Arts will be held May 19-22, 1981, from 9:00 a.m.-5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on May 21, 1981, from 1:30 p.m.-5:30 p.m. for the discussion for policy.

The remaining sessions of this meeting on May 19, 20, and 22, 1981, from 9:00 a.m.-5:30 p.m. and May 21, 1981, from 9:00 a.m.-1:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-13619 Filed 5-5-81; 8:45 am]

BILLING CODE 7537-01-M

Music Panel (Solo Recitalists Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Solo Recitalists Section) to the National Council on the Arts will be held May 27, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for

financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-13620 Filed 5-5-81; 8:45 am]

BILLING CODE 7537-01-M

RAILROAD RETIREMENT BOARD**Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting**

Notice is hereby given in accordance with Pub. L. 92-463 that the Actuarial Advisory Committee will hold a meeting on June 3, 1981, at the Office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 15th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include the results of the recently completed age retirement, disability retirement, withdrawal, and active service mortality studies for the 15th Valuation, together with the recommendations of the Chief Actuary as to the retirement, withdrawal, and active service mortality assumptions to be used for the 15th Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: April 28, 1981.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81-13617 Filed 5-5-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11755; 812-4860]

Active Assets Money Trust, Active Assets Tax-Free Trust, and Active Assets Government Securities Trust; Application for an Exemption
April 30, 1981.

Notice is hereby given that Active Assets Money Trust, Active Assets Tax-Free Trust and Active Assets Government Securities Trust ("Applicants") Five World Trade Center, New York, New York 10048, all registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, filed an application on April 10, 1981, for an order of the Commission pursuant to Section 6(c) of the Act declaring that Dr. Irwin Friend, a prospective trustee of the Applicants, shall not be deemed to be an interested person of the Applicants solely by reason of his position as a director of PMI Securities Co. ("PMI"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

PMI was originally organized in December, 1972, to be a holding company of two mortgage insurance companies ("insurance companies"). In 1973 PMI and the insurance companies were acquired by Allstate Insurance Company ("Allstate") and PMI commenced doing business as a "matchmaker", that is, bringing together buyers and sellers of whole mortgages and participations on residential properties without compensation. In September, 1978, PMI was sold by Allstate to the newly-formed PMI Mortgage Corporation, a wholly-owned subsidiary of Allstate Enterprises Inc., which is in turn, a wholly-owned subsidiary of Sears, Roebuck & Co. ("Sears"). Subsequently, PMI was transferred to Seroco Enterprises Inc., another wholly-owned subsidiary of Sears.

Applicants state that PMI is not now and since its registration as a broker-dealer under the Exchange Act has not been engaged in the business of buying or selling any securities either as a broker or dealer. However, PMI contemplates acting as a broker-dealer in the distribution of mortgage pass-through securities issued by its parent, PMI Mortgage Corporation. These securities may be registered pursuant to

the Securities Act of 1933. Applicants state that non-registered private placements of securities are also contemplated. Dr. Friend is an Edward J. Hopkinson Professor of Finance and Economics at the Wharton School of the University of Pennsylvania, and is also Director of the Rodney L. White Center for Financial Research at the University of Pennsylvania. Applicants represent that Dr. Friend has had no past employment, consulting, contractual, financial, or other relationship with PMI or any affiliated person of PMI, other than as a director of PMI, the insurance companies and PMI Mortgage Company.

Active Assets Money Trust represents that its investment objectives are high current income, preservation of capital and liquidity and that it will invest in short-term money market instruments. Active Assets Tax-Free Trust represents that its investment objective is to provide as high a level of daily income exempt from federal income tax as is consistent with stability of principal and will invest in those short-term money market instruments, the interest on which is exempt from federal income tax. Active Assets Government Securities Trust represents that its investment policy requires it to invest in short-term United States government securities. Each of the Applicants represent that it is precluded from purchasing interests in real estate, except that Active Assets Money Trust and Active Assets Tax-Free Trust may, among other things, purchase securities that are secured by real estate or interests therein. Applicants state that they believe the mortgage pass-through securities proposed to be the subject of PMI's broker-dealer business are not securities which would generally be appropriate for investment by an Applicant. In any event, Applicants undertake that they will not, under any circumstances, do any business, directly or indirectly, with PMI in any capacity, whether as a broker-dealer or otherwise, so long as Dr. Friend is a trustee of Applicants and a director of PMI.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3)(D) of the Act to include a director of such other person. Dr. Friend is a director of PMI and is, therefore an affiliated person of PMI. Applicants do not concede Dr. Friend to be an interested person of any of the Applicants following his election as a trustee, but

seek to have Dr. Friend determined by order to be a disinterested trustee, notwithstanding his status as a director of PMI.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that it would be misleading to shareholders and unfair to Dr. Friend to identify him as an interested trustee of Applicants since such a label, they contend, implies the existence of an actual or a potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Dr. Friend's personal stature and the removal of any possibility that Applicants will do business with PMI, Dr. Friend will be in a position to act independently on behalf of the Applicants and their respective shareholders without any possible impairment arising out of his affiliation with PMI.

Accordingly, Applicants believe that it would be in the best interests to have Dr. Friend's status as a disinterested trustee clearly acknowledged and that the requested exemption is therefore appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 26, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing

upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-13558 Filed 5-5-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0117]

Control Data Capital Corp.; Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Control Data Capital Corporation (CDCC), 8100—34th Avenue South, Bloomington, Minnesota 55420, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1980)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit CDCC to provide financing in the amount of \$300,000 to K. R. Merrill Company (KFMC), 1731 University Avenue, St. Paul, Minnesota.

Control Data Corporation (CDC) is the parent corporation of Commercial Credit Company (CCC) which is the parent corporation of CDCC. Mr. Richard G. Lareau, a director of KFMC is also a director of CDC.

Pursuant to Paragraph (f) of the definition of "Associate of a Licensee" in Section 107.3 of the SBA Regulations, KFMC is considered to be an associate of CDCC. As such, the transaction will require an exemption from the provisions of Section 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, not later than May 21, 1981, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20418.

A copy of this Notice shall be published in a newspaper of general circulation in St. Paul, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 29, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-13814 Filed 5-5-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 4 (Rev. 12)]

Investigators (Internal Security) and Internal Security Assistants; Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This revision includes and authorizes Investigators (Internal Security) and Internal Security Assistants to take testimony under oath, examine books, papers, records or other data and to set the time and place of examination. This revision also authorizes Revenue Representatives and Office Collection Representatives to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with a summons. The text of the delegation order appears below.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Room 6309-LIS:M, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (202) 566-3868.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

William E. Mulroy,

Director, Internal Security Division.

[Order No. 4 (Rev. 12)]

Delegation Order

Date of Issue: April 28, 1981.

Effective Date: April 28, 1981.

Subject: Authority to Issue Summonses, to Administer Oaths and Certify, and to Perform Other Functions

1 (a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602-1(b), 301.7603-1, 301.7604-1 and 301.7605-1(a) and the authorities contained in Section 7609 of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue Service by Treasury Department Order No. 150-37 to issue summonses; to set the time and place for

appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or other data produced in compliance with the summons; to enforce summonses; to apply for court orders approving the service of John Doe Summonses issued under Section 7609(f) of the Internal Revenue Code; and to apply for court orders suspending the notice requirements in the case of summonses issued under Section 7609(g) of the Internal Revenue Code, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c), and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d), and 6 of this Order.

(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to all District Directors, the Director of International Operations, and the following officers and employees, provided that the authority to issue a summons in which the proper name or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees and by them only after obtaining preissuance legal review by Regional Counsel, Deputy Regional Counsel (General Litigation) or District Counsel, or the Director, General Litigation Division in the case of Inspection.

(1) Inspection: Assistant Commissioner and Director, Internal Security Division.

(2) District Criminal Investigation: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(3) International Operations: Chiefs of Division.

(4) District Collection Activity: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(5) District Examination: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Regional Inspectors and Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) District Criminal Investigation: Assistant Chief of Division; Chiefs of Branches; and Group Managers.

(3) International Operations: Assistant Director; Chiefs of Branches; Case Managers; and Group Managers.

(4) District Collection Activity: Assistant Chief of Division; Chiefs of Collection Section; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs Technical and Office Compliance Branches and Groups and Group Managers.

(5) District Examination: Chiefs of Branches, Case Managers, Group Managers and, in streamlined districts Chiefs, Examination Section.

(8) District Employee Plans and Exempt Organizations: Group Managers.

(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officer's case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he/she had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers, GS-9 and above.

(2) District Criminal Investigation: Special Agents.

(3) District Collection: Revenue Officers, GS-9 and above.

(4) District Examination: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order may serve a summons whether it is issued by him/her or another official.

(f) Revenue Representatives, GS-5 and above, and Revenue Officers, who are assigned to the District Collection Activity and to International Operations may serve any summons issued by the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c), and 1(d) of this Order authorized to issue summonses, is delegated the authority under 26 CFR 301.7602-1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the individual before whom a person summoned pursuant to section 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

(3.) Internal Security Inspectors are delegated the authority under 26 CFR 301.7603-1 to serve summonses issued in accordance with this Order by any of the officers and employees of the Inspection Service referred to in paragraphs 1(b) (1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602-1(a), and 301.7605-1(a) to examine books, papers, records or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b), and 4(c) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

(b) General Designations

(1) Inspection: Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors; and Internal Security Inspectors; Investigators (Internal Security); and Internal Security Assistants.

(2) District Criminal Investigation: Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers; and Special Agents.

(3) International Operations: Director, Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers, Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(4) District Collection Activity: Chiefs and Assistant Chiefs of Division; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs, Technical and Office Compliance Branches; Chiefs, Collection Section; Chiefs, Technical and Office Compliance Branches and Groups; Group Managers; Revenue Officers; Revenue Representatives and Office Collection Representatives.

(5) District Examination: Chiefs of Division; Chiefs of Examination Sections; Chiefs of Examination Branches; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(6) District Employee Plans and Exempt Organization: Chief of Division; Chief, Examination Branch; Chief, Technical Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center: Chief, Compliance Division; Chief, Examination Branch; Chief, Collection Branch; Chief, Criminal Investigation Branch; Revenue Agents; Tax Auditors; Tax Examiners in the correspondence examination function; and Special Agents.

(c) District Directors, Service Center Directors, Regional Inspectors, the Chief of Investigation Branch, and the Director of International Operations may redelegate the authority under 4(a) of this Order to Law Clerks (Estate Tax), aides or trainees, respectively, for the positions of Revenue Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialists, Revenue Officer, Internal Auditor, Internal Security Inspector, Investigator (Internal Security), Internal Security Assistant, Attorney (Estate Tax) and Special Agent, provided that each such Law Clerk (Estate Tax), aide or trainee shall exercise said authority only under the direct supervision, respectively, as applicable of a Revenue

Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialist, Revenue Officer, Special Agent, Internal Auditor or Internal Security Inspector or Attorney (Estate Tax).

5. Under the authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7622-1, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 1(c), 1(d), and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations *except* that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. Revenue Representatives and Office Collection Representatives referred to in paragraph 4(b)(4) of this Order are not designated to administer oaths or to perform the other functions mentioned in this paragraph, except that Revenue Representatives, GS-5 and above, are authorized to certify the method and manner of service, and the method and manner of giving notice, when performing the functions and duties contained in paragraph 1(f) of this Order.

6. The authority delegated herein may not be redelegated except as provided in paragraph 4(c).

7. This Order supersedes Delegation Order No. 4 (Rev. 11), issued July 11, 1980.

Roscoe L. Egger, Jr.,
Commissioner.

[FR Doc. 81-13601 Filed 5-5-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

[Department Circular, Public Debt Series No. 14-81]

Treasury Bonds of 2006-2011; Auction

April 30, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,000,000,000 of United States securities, designated Treasury Bonds of 2006-2011 (CUSIP No. 912810 CV 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and

international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature on May 15, 2011, but may be redeemed at the option of the United States on and after May 15, 2006, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial-call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 7, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 6, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury

securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{2}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5, must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental

procedures applicable to such regulations.

[FR Doc. 81-13725 Filed 5-4-81; 11:49 am]

BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—No. 13-81]

Treasury Notes of May 15, 1991; Series A-1991; Auction

April 30, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,750,000,000 of United States securities, designated Treasury Notes of May 15, 1991, Series A-1991 (CUSIP No. 912827 LW 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 6, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 5, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily

to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to

provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or

required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions of assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary,

to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-12724 Filed 5-4-81; 11:49 am]
BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—
No. 12-81]

Treasury Notes of May 15, 1984; Series K-1984; Auction

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,000,000,000 of United States securities, designated Treasury Notes of May 15, 1984, Series K-1984 (CUSIP No. 912827 LV 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1984, and will not be subject to call

for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 5, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the

deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be

determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981.

When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are required if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be

issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-12723 Filed 5-4-81; 11:49 am]
BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 27, 1981, at 9 a.m., The Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances shall, at the Federal Building, Room 621 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all

eligible persons enrolled in Florida A&M University, Tallahassee, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 27, 1981.

Carlos L. Rainwater,

Director.

[PR Doc. 81-13631 Filed 5-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 87

Wednesday, May 6, 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

	<i>Items</i>
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2, 3
Federal Home Loan Bank Board	4
Federal Mine Safety and Health Review Commission	5
Postal Rate Commission	6

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 15, 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.

[5-709-81 Filed 5-4-81; 11:27 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, May 11, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller regarding the Corporation's securities portfolio inventory as of March 31, 1981.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[5-707-81 Filed 5-4-81; 10:52 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 11, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Community Bank of El Dorado Springs, a proposed new bank, to be located at Highway 54 and Main Street, El Dorado Springs, Missouri.

Applications for consent to establish branches:

The Arizona Bank, Phoenix, Arizona, for consent to establish three branches at the following locations: the southwest corner of Alma School and Elliot Roads, Chandler, Arizona; 25th Avenue and Union Hills Drive, Phoenix, Arizona; and 6028 South Central Avenue, Phoenix, Arizona.

Buffalo Savings Bank, Buffalo, New York, for consent to establish three branches at the following locations: 1071 Payne Avenue, North Tonawanda, New York; 5688 South Transit Road, Town of Lockport, New York; and 2513 West State Street, Olean, New York.

Application for consent to purchase assets and assume liabilities:

Wells River Savings Bank, Wells River, Vermont, for consent to purchase the assets of and assume the liability to pay deposits made in The National Bank of Newbury at Wells River, Wells River, Vermont.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request for exemption pursuant to Part 348.4(b)(1) of the Corporation's rules and regulations entitled "Management Official Interlocks":

City and County Bank of Anderson County, Lake City, Tennessee.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,774-L—The Hamilton Bank & Trust Company, Atlanta, Georgia Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Memorandum and Resolution re: Franklin National Bank, New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the

Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Grievance Officer's report and recommendation with respect to the formal grievance of a Corporation employee:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-708 Filed 5-4-81; 8:45 am]

BILLING CODE 6714-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981, at the conclusion of the open meeting.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Request for waiver.

No. 483, May 4, 1981.

[S-711-61 Filed 5-4-81; 3:15 pm]

BILLING CODE 6720-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 29, 1981.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981.

PLACE: Room 800, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Madison Granite Company, Docket No. WEST 80-101-M, etc. Petition for Discretionary Review (Issues include whether substantial evidence supports finding that 30 CFR 56.5-50(b) was violated.)

2. Elias Moses v. Whitley Development Company, Docket No. KENT 79-336-D, Petition for Discretionary Review (Issues include whether miner was discharged in violation of section 105(c) of the 1977 Mine Act.)

3. Sewell Coal Company, Docket No. HOPE 78-744-P. (Issues include whether judge erred

in vacating citations on the grounds that compliance was impossible due to a manpower shortage.)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, 202-653-5632.

[S-712-61 Filed 5-4-81; 3:28 pm]

BILLING CODE 6820-12-M

6

POSTAL RATE COMMISSION.

TIME AND DATE: Periodic meetings scheduled on short notice during business days during the period May 11, 1981 through June 15, 1981.]

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Reconsideration of Opinion and Recommended Decision in Docket No. R80-1 issued February 19, 1981, and remanded by the Governors, U.S. Postal Service, on March 19, 1981:

[Closed pursuant to 5 U.S.C. § 552b(c)(10)]

CONTACT PERSON FOR MORE

INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-710-81 Filed 5-4-81; 1:28 pm]

BILLING CODE 7715-01-M

federal register

Wednesday
May 6, 1981

Part II

Environmental Protection Agency

**Polychlorinated Biphenyls (PCBs);
Abeyance of Proposed Restrictions on
Use at Agricultural Pesticide and
Fertilizer Facilities**

1970

Part II

Environmental
Protection Agency

Department of State
Agency for International Development
Department of Agriculture
Department of Health, Education and Welfare

1615 Reservoir Road
Washington, D.C. 20007

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 761
[OPTS-62003C; TSH-FRL 1820-5]
**Polychlorinated Biphenyls (PCBs)
Manufacturing, Processing,
Distribution in Commerce, and Use
Prohibitions; Proposed Restrictions on
Use at Agricultural Pesticide and
Fertilizer Facilities; Abeyance of
Proposed Rule Amendment**
AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed Rule Amendment;
Notice of Abeyance.

SUMMARY: EPA announces its decision to hold in abeyance its May 2, 1980 proposed amendment (45 FR 30989, May 9, 1980) to the Final PCB Ban Rule. This amendment proposed to prohibit the use of PCB Items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. This decision was made in part because of the October 30, 1980 decision of the United States Court of Appeals for the District of Columbia Circuit which set aside two key provisions of the Agency's Final PCB Ban Rule.

DATES: The proposed rule amendment will be held in abeyance until further notice.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, in Washington, D.C.: (554-1404), Toll free: (800-424-9065), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 9, 1980 (45 FR 30989), EPA proposed to amend its Final PCB Ban Rule to prohibit the use PCB Items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. The term PCB Item is defined in 40 CFR 761.2(x), and includes: PCB Large High and Low Voltage Capacitors, PCB Transformers, PCB—Contaminated Transformers, PCB

Heat Transfer Systems, and PCB Hydraulic Systems. PCB small capacitors (containing less than three pounds of fluid) were not to be regulated by the proposal. Related rulemaking proposals by the Food and Drug Administration and the U.S. Department of Agriculture were published on May 9, 1980 in the Federal Register.

On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit (the D.C. Circuit or the Court) set aside two key provisions of the Agency's Final PCB Ban Rule. In *Environmental Defense Fund, Inc., v. Environmental Protection Agency*, No. 79-1580 (D.C. Cir., Oct. 30, 1980), the D.C. Circuit decided that EPA's designation of the use of intact, non-leaking transformers, capacitors, and electromagnets containing PCBs as "totally-enclosed" uses was not supported by substantial evidence in the record. Similarly, the Court decided that EPA's determination to exclude PCBs in concentrations below 50 parts per million (ppm) from regulation under section 6(e) of the Toxic Substances Control Act (TSCA) was not supported by substantial evidence in the record. The court set aside those parts of the regulation, and remanded those portions of the record to EPA for further proceedings consistent with the Court's opinion. Without EPA's rules on these two issues, the absolute prohibitions of Section 6(e)—including the prohibition against all uses of PCBs regardless of concentration—apply when the decision becomes effective.

On February 12, 1981, the D.C. Circuit issued an order which conditionally stayed the effectiveness of its decision. This stay was in response to a joint motion submitted by EPA and the other parties to the *EDF* litigation. The Court's order permits owners and users of PCB Transformers and PCB-contaminated Transformers who comply with any applicable interim risk-reduction measures set forth in the Court's order to continue to use the equipment for the 18-month rulemaking period. (The Court's order was published in the Federal Register on March 10, 1981 at 46

FR 16093. EPA explained the Court's decision and the interim measures program at 46 FR 16090.) In connection with the rulemaking, EPA will be gathering a substantial amount of factual information relating to the use of PCB-containing electrical equipment.

Because information generated in connection with the remand of the PCB regulations resulting from the *EDF* litigation will be useful to the Agency in drawing conclusions about PCB-containing electrical equipment in agricultural pesticide and fertilizer facilities, and because the interim measures program ordered by the D.C. Circuit applies to PCB-containing transformers, including such equipment in agricultural pesticide and fertilizer facilities, EPA has decided to hold the rulemaking initiated on May 9, 1980 in abeyance. EPA anticipates the interim measures program will provide adequate interim protection against the risks associated with the use of PCB-containing electrical equipment in agricultural pesticide and fertilizer facilities as well as in food and feed facilities. EPA will subsequently determine what step to take concerning the proposed amendment to the PCB rules published on May 9, 1980. This determination will be the subject of a future notice.

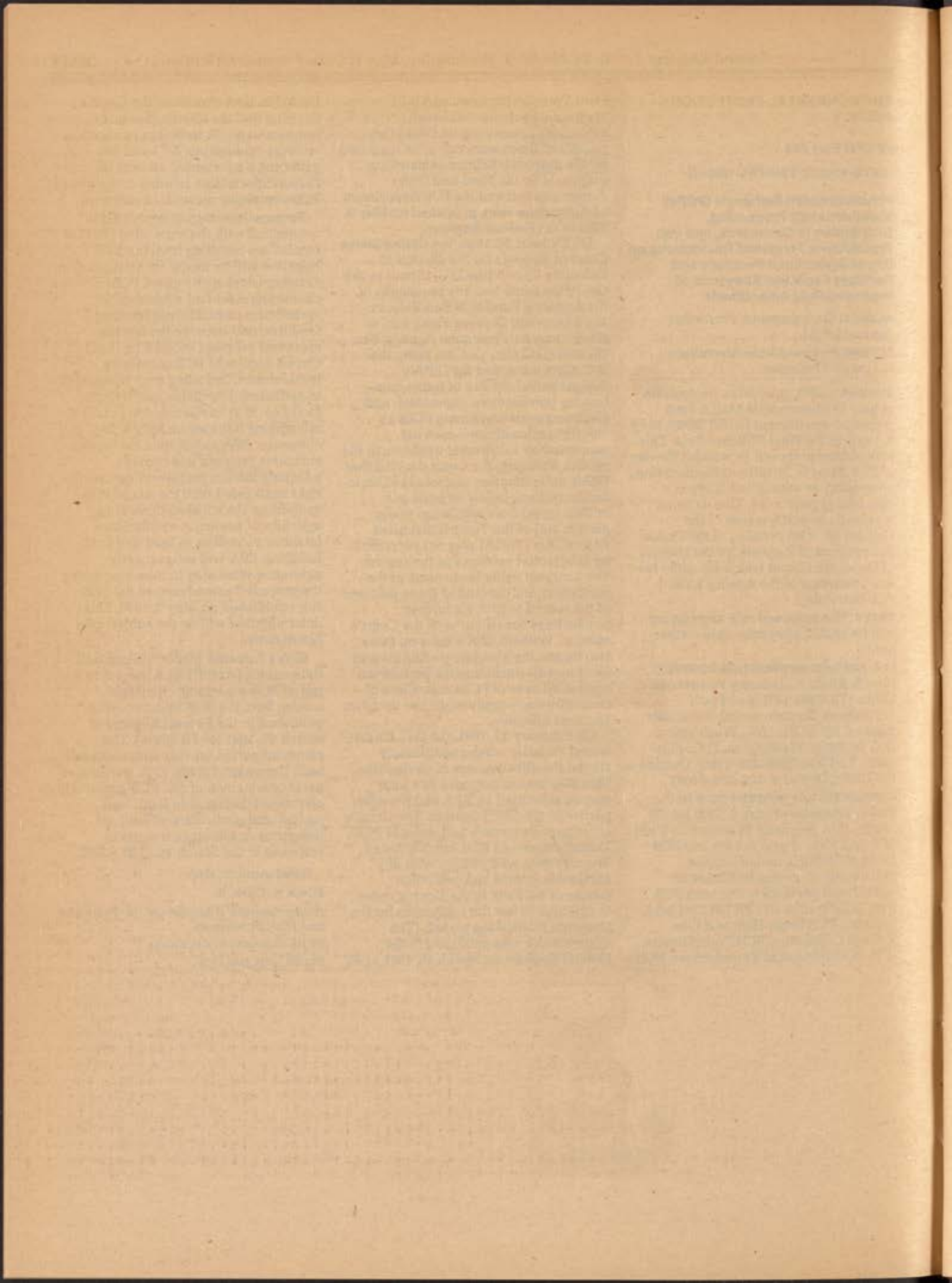
EPA's Advance Notice of Proposed Rulemaking (AMPR) with respect to the use of PCB-containing equipment, arising from the *EDF* litigation, was published in the Federal Register of March 10, 1981 (46 FR 16096). The comment period for that notice extends until December 7, 1981. EPA encourages persons who own or use PCB-containing electrical equipment in food, feed, agricultural pesticide and fertilizer industries to submit comments in response to the March 10, 1981 ANPR.

Dated: April 28, 1981.

Edwin H. Clark, II,
Acting Assistant Administrator for Pesticides
and Toxic Substances.

[FR Doc. 81-13706 filed 5-5-81; 8:45 am]

BILLING CODE 6560-31-M



federal register

Wednesday,
May 6, 1981

Part III

Civil Aeronautics Board

**Air Carriers; Revision of Record
Retention Requirements**

CIVIL AERONAUTICS BOARD

14 CFR Part 249

[Reg. ER-1214; Docket No. 33725]

Revision of Record Retention Requirements and Reissuance of Part 249

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This action simplifies and substantially reduces the record retention requirements that the CAB prescribes for air carriers. It also revises the remaining requirements to enable carriers to take full advantage of current technology for producing, retaining, and retrieving information.

DATES: Adopted: April 16, 1981.

Effective: This rule is subject to OMB clearance. The rule will become effective July 6, 1981; provided the Board receives OMB clearance. A notice will be issued of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-8042.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking issued October 20, 1978, the Board proposed to revise its air carrier record retention requirements (14 CFR Part 249) to enable carriers to take advantage of the current technology for producing, retaining, and retrieving information.¹ The proposal was also intended to make the retention requirements less burdensome and easier to understand by:

1. Standardizing retention periods for similar types of records;
2. Better arranging the schedule of records to be maintained by certificated air carriers; and
3. Rewriting the regulation to make it easier to understand.

Eleven comments were received in response to the rulemaking notice. Of the eleven, six were from certificated air carriers,² three from foreign air carriers,³ and two from industry associations.⁴

While the comments support the proposal to allow carriers to replace paper documentation with microfilm

copies at any time and our goal of decreasing the carriers' record retention burden, they also suggest certain modifications to the proposed requirements. Essentially, the carriers seek to modify the proposed rule by:

1. Eliminating the requirement that carriers appoint one or more persons with official responsibility to supervise the preservation, storage and authorized destruction of carrier records. A majority of the comments received are against the imposition of this requirement as being impractical due to the decentralized nature of carrier operations and the large number of record custodians that would be needed.

2. Eliminating the requirement that each air carrier maintain at its principal office a comprehensive index of all records being preserved. Objections to this requirement cited the material burden involved in maintaining a master index within a decentralized operational environment.

3. Not standardizing retention periods by grouping similar type records under a uniform retention period. A significant majority of the comments received opposed standardizing retention periods because it resulted in increased retention periods for some records. Overall, carriers are concerned that the longer retention periods will materially expand the burden associated with handling increasing volumes of records as well as require a significant expansion of current storage facilities.

As a result of the above comments and the enactment of the Airline Deregulation Act of 1978⁵ shortly after the Board's adoption of EDR-365, the Board undertook a reassessment of its need for continuing to prescribe in a deregulated environment a comprehensive list of records to be retained by certificated air carriers. It has been decided that a comprehensive list is no longer needed in the current environment and that the retention periods should be prescribed only for records that support identified regulatory needs. Accordingly, each retention period proposed in EDR-365 has been reexamined.

In reassessing the proposed retention requirements, we have sought to reduce to a minimum the regulatory burden for each designated class of carriers. To this end, we have considered the carriers' comments in the context of the current regulatory environment and eliminated from the final rule the proposed (1) designation of a supervisory official to oversee carrier record retention programs; (2) carrier maintenance of a master index of all records being

preserved; and (3) increases in retention periods that would have resulted from grouping similar categories of records for retention purposes. We have also significantly reduced carrier burden by limiting the records to be retained to those that support a specific regulatory need. For example, we have been unable to identify a regulatory need that supports the proposed retention by certificated air carriers of employees' welfare and pension records. Accordingly, these records, which include superseded retirement plans, workmen's compensation accident reports and employees' health and hospital insurance records, have not been included in the final rule. The use of this criterion in determining which records are to be retained has resulted in the elimination of more than 80% of the record retention requirements prescribed for certificated air carriers as well as all of the record retention requirements currently prescribed in Subpart A for foreign air carriers and holders of foreign civil aircraft permits.

Further reductions have been achieved by limiting retention periods to no more than 3 years. This limitation, along with the provision which allows carriers to replace paper documentation with nonerasable microfilm copies at any time, should greatly relieve the carriers' concern over handling and storing increasing volumes of records.

Despite the significant cutback in the number of records we have designated for retention, the records we have included in the final rule will ensure the maintenance of carrier records for audits, compliance reviews, resolution of consumer complaints, and other regulatory monitoring functions, such as monitoring the extension of unsecured credit to political candidates as mandated by Section 401 of the Federal Election Campaign Act of 1971.

The retention requirements contained in this regulation are subject to clearance by the Office of Management and Budget. We will publish a notice of the outcome of the OMB review as soon as it is completed.

The authority citation for Part 249 has been changed to reflect the new Federal Register format.

Final Rule

The Board hereby reissues Part 249 of the Economic Regulations (14 CFR Part 249) to read as follows:

¹ EDR-365, 43 FR 50150, October 26, 1978.

² American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Northwest Airlines, Inc. (Northwest), Trans International Airlines, Inc. (Trans International), Trans World Airlines, Inc. (Trans World), and World Airways, Inc. (World).

³ Air Canada, Compagnie Nationale Air France (Air France), and Korean Air Lines (Korean).

⁴ Air Charter Tour Operators of America (ACTOA) and Air Transport Association of America (ATA).

⁵ Pub. L. 95-504, October 24, 1978.

PART 249—PRESERVATION OF AIR CARRIER RECORDS

Subpart A—General Instructions

Sec.

- 249.1 Applicability.
- 249.2 Definitions.
- 249.3 Preservation of records.
- 249.4 Photographic copies.
- 249.5 Storage of records.
- 249.6 Destruction of records.
- 249.7 Restrictions on record destruction.
- 249.8 Premature loss or destruction of records.
- 249.9 Carriers going out of business.
- 249.10 Waiver of requirements.

Subpart B—Preservation of Records by Carrier

- 249.20 Preservation of records by certificated air carriers.
- 249.21 Preservation of records by public charter operators and overseas military personnel charter operators.

Subpart C—Regulations Relating to the Truth-in-Lending Act

- 249.30 Applicability.
- 249.31 Preservation and inspection of evidence of compliance.

Authority: Secs. 101(3), 204, 401, 402, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771, 788; 91 Stat. 1284; (49 U.S.C. 1301(3), 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1388, 1482)

Subpart A—General Instructions

§ 249.1 Applicability.

Subparts A and B of this part apply to:
(a) Air carriers, as defined in Section 101(3) of the Act, that hold either certificates of public convenience and necessity or certificates for all-cargo air service.

(b) Public charter operators, as defined in Part 380 of this chapter.

(c) Overseas military personnel charter operators, as defined in Part 372 of this chapter.

§ 249.2 Definitions.

For the purposes of this part:

"Authorized representatives of the Board" means any persons, including special agents and auditors, designated by the Board to perform inspections, audits, or examinations within the purview of the Board's authority.

"Certificated air carrier" means the holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board under Section 401 of the Act or a certificate for all-cargo air service issued by the Civil Aeronautics Board under Section 418 of the Act.

"Final adjudication" means the expiration date of the last possible period of review or reconsideration of a given case, by the Board or by a court,

that is provided by applicable statute or regulation.

"Pending case" means any case that the Board is empowered to hear before its final adjudication.

"Records" include all documents that are related to, or constitute integral links in developing the history of, or facts regarding, financial transactions or physical operations of a particular segment, operating division, or entire system of the carrier's operations. The term includes any copy of initially prepared documents which bear approvals, comments, or notations which were added and are of significance to a full explanation of recorded facts or information. The term "records" means not only accounting records in a limited technical sense but all other evidentiary accounts of events such as memoranda, correspondence, working sheets, tabulating equipment listings punched cards, computer-produced listings, microfilm, and magnetic storage media (*i.e.*, magnetic tapes, disks). The term "records" also means microform and/or tape reproductions of documents made as authorized by this subpart. In addition, the term "records" includes any of the above-described materials coming into the possession of the air carrier through merger, consolidation, succession, transfer, or other acquisition.

"open mail rate period" means the time interval between the date of institution of a new mail rate proceeding or the start of service over a new route for which no mail rate has previously been fixed, and the date upon which a Board order setting the final mail rate becomes legally effective.

"Supporting papers (records)" means any group of documentary papers, such as memoranda, correspondence, working sheets, etc., that assist in upholding the accuracy or clarity of related records.

§ 249.3 Preservation of records.

(a) All records listed in §§ 249.20 and 249.21 may be preserved on either paper or nonerasable microfilm (see § 249.4). However, a paper or microfilm record need not be created to satisfy the requirements of this part if the record is initially prepared in a machine-readable medium such as punched cards, magnetic tapes, and disks. The records maintained in machine-readable media and the underlying data used in their preparation shall be preserved for the periods prescribed in §§ 249.20 and 249.21. A paper or microfilm record shall not be destroyed after transfer to a machine-readable medium before expiration of the prescribed period; however, a waiver permitting the early

destruction of paper or microfilm records transferred to a machine-readable medium may be granted by the Chief, Data Requirements Division, Office of the Comptroller, when it is demonstrated by the requesting carrier that the substantive purpose of the retention requirement will be met by retention of the information in machine-readable form (see § 249.10).

(b) Each record kept in a machine-readable medium shall be accompanied by a statement clearly indicating the type of data included in the record and certifying that the information contained in it is complete and accurate. This statement shall be executed by a person having personal knowledge of the facts contained in the records. The records shall be indexed and retained in such a manner so that they are easily accessible, and the carrier shall have the facilities available to locate, identify and reproduce the records in readable form without loss of clarity. Authorized representatives of the Board shall be given immediate access to the carrier's facilities upon request.

(c) If any record which must be retained under the provisions of §§ 249.20 and 249.21 is included as an exhibit to another document which must also be retained, the carrier need only keep in its files one copy of the record to satisfy these record retention requirements. In these cases, the carrier shall establish adequate cross-references to assist in locating the record.

(d) The provisions in this part do not excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any records.

§ 249.4 Photographic copies.

(a) Any record may be transferred to nonerasable microfilm (including microfiche, computer output microfilm, and aperture cards) at any time. Records so maintained on microfilm shall satisfy the minimum requirements listed in paragraphs (b) through (f) of this section.

(b) The microfilm shall be of a quality that can be easily read and that can be reproduced in paper similar in size to an original without loss of clarity or detail during the periods the records are required to be retained in §§ 249.20 and 249.21.

(c) Microfilm records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and read the microfilm and reproduce in paper form. Authorized representatives of the Board

shall be given immediate access to these facilities upon request.

(d) Any significant characteristic, feature, or other attribute which microfilm will not preserve shall be clearly indicated at the beginning of each roll of film or series of microfilm records if applicable to all records on the roll or series, or on the individual record, as appropriate.

(e) The printed side of printed forms need not be microfilmed for each record if nothing has been added to the printed matter common to all such forms, but an identified specimen of the form shall be on the film for reference.

(f) Each roll of film or series of microfilm records shall include a microfilm of a certificate stating that the photographs are direct and facsimile reproductions of the original records and they have been made in accordance with prescribed regulations. Such a certificate shall be executed by a person having personal knowledge of these facts. Where the microfilm is computer output, the microfilm certificate shall state that the information is complete and accurate.

§ 249.5 Storage of records.

Each carrier shall provide reasonable protection from damage by fire, floods, and other hazards for records subject to the provisions of this part.

§ 249.6 Destruction of records.

(a) Upon the expiration of the period of preservation prescribed in this regulation, records may be destroyed at the option of the carrier.

(b) Unless otherwise specified, duplicate copies of records may be destroyed at any time if they contain no significant information not shown on the originals.

§ 249.7 Restrictions on record destruction.

(a) Each carrier that has been named a party to a pending case arising under Section 406 of the Act shall retain all records remaining in its custody as of the beginning of an "open mail rate period" until the occurrence of one of the following contingencies, whichever is first:

(1) Final adjudication of a Board order fixing the final mail compensation payable for services rendered during an "open mail rate period."

(2) Receipt of a notice issued by the Chief, Data Requirements Division, Office of Comptroller, in response to a written application filed by the carrier, authorizing the destruction of specifically identified categories of records. An application should be filed when the carrier believes that certain

categories of records are not relevant to the proper processing of a pending mail proceeding. The application should list those categories of records which the carrier wants to destroy and its reasons for believing that the records are not necessary or useful in determining its satutory mail pay.

(b) Each carrier shall preserve records supporting the computation of subsidy mail pay in accordance with the provisions of § 249.20 unless the carrier has been advised that these computations are subject to further review and disposition by the Board. When the Board is still reviewing the compensation amount after expiration of the normal retention period specified in § 249.20, these records must be retained until the carrier is notified by the Chief, Data Requirements Division, Office of Comptroller, that the records may be destroyed.

(c) Each carrier that has been named a party to an enforcement proceeding or against whom a third-party complaint has been filed shall retain all records relating to the case until the receipt of formal notification from the Chief, Data Requirements Division, Office of Comptroller, following a written application from the carrier, which authorizes the destruction of these records.

(d) Each carrier that has been named a party to a pending case which is not of a type discussed in paragraphs (a), (b), and (c) of this section, shall preserve all records according to the provisions of § 249.20 unless the Chief, Data Requirements Division, Office of Comptroller, notifies the carrier in writing that specific records shall be preserved until final adjudication of the pending case.

(e) Each carrier that is a party to litigation in a Federal court of which the Board is also a party shall retain all records relating to the case until the receipt of formal notification from the Chief, Data Requirements Division, Office of Comptroller, following a written application from the carrier, which authorizes the destruction of these records.

§ 249.8 Premature loss or destruction of records.

If records are destroyed or lost before the expiration of the prescribed retention period, a statement shall be prepared and submitted to the Chief, Data Requirements Division, Office of Comptroller, which lists, as accurately as possible, the unavailable records and describes the circumstances under which they became unavailable.

§ 249.9 Carriers going out of business.

The records referred to in these regulations may be destroyed after the business is discontinued and the carrier is completely liquidated. The records may not be destroyed until dissolution is final and all transactions and litigations are completed. When a carrier is merged with another company which is regulated by the Board, the successor company shall preserve records of the merged company in accordance with these regulations.

§ 249.10 Waiver of requirements.

A waiver from any provision of this regulation may be made by the Chief, Data Requirements Division, Office of Comptroller, upon the Chief's own initiative or upon submission of a written request by a carrier or group of carriers. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with the prescribed requirements would impose an unreasonable burden on the carrier, and that granting the waiver would be in the public interest.

Subpart B—Preservation of Records by Carrier

§ 249.20 Preservation of records by certificated air carriers.

Each certificated air carrier shall retain its records according to the provisions of this section. Unless otherwise specified in the "Schedule of Records," each retention period shall begin on the date when the records are created or otherwise come into the possession of the carrier.

Schedule of Records

Category of records	Retention period
1. General and subsidiary ledgers or their equivalents:	
(a) General ledgers; subsidiary or auxiliary ledgers	3 years.
(b) Indexes to general and subsidiary ledgers	3 years.
2. Journals and journal vouchers:	
(a) General and subsidiary journals, and journal vouchers	3 years.
(b) Papers forming a part of, or necessary to explain, journal entries; entry numbers	3 years.
3. Voucher distribution registers or their equivalent	3 years.
4. Accounts receivables and payables:	
(a) Traffic accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	3 years.

Schedule of Records—Continued

Category of records	Retention period
(b) General accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	3 years.
(c) Copies of invoices issued by the carrier which have been settled and all supporting papers.	1 year.
(d) Copies of Postal Service Forms: Weekly Summary of Airmail Dispatch (No. 2729) and POD Airmail Exemption Record (No. 2734) supporting mail pay claims which have been settled.	30 days.
5. Subsidy records:	
(a) For each calendar year, all monthly records of operations, such as tabulations and summaries of miles flown and passenger-miles flown, pertaining to or part of operational records relevant to computation of subsidy mail pay.	3 years.
(b) For each calendar year, all basic original documents, such as pilots' flight logs and passenger lists relevant to a determination of the validity of a carrier's operations described in item (a) above.	3 years.
6. The papers, records, or other evidence supporting financial and statistical reports to the CAB. These should include among others the following specific records: Internal administrative or operating reports; system reports of aircraft movements by trip number, showing arrivals, departures, flight delays and related information; bonds and other long-term debt records; stock records; corporate organization records; financial data in support of subsidy claims; minutes of meetings; carrier internal reports on internal controls and other internal audits and procedural studies; operational, management, accounting, financial, and legal service contracts and agreements; records and agreements relating to the lease or purchase and sale of company assets, including title papers, deeds, and similar records; insurance records; property and equipment records; tax records; accountants' and auditors' reports; records of receipts and disbursements including bank statements, check registers and cancelled checks; payroll registers of salaries and wages paid; cost accounting records for work orders; inventories of materials and supplies; and other source documents.	3 years.
7. Funds reports and estimates of funds.	1 year.
8. Consumer Complaints:	
(a) Initial correspondence and record of action taken.	3 years.
(b) Initial trip reports:	
(1) Traffic Data: Basic documents showing the number of passengers, and pounds of mail and property carried.	(1)
(c) Reservations reports and records:	
(1) Cards and charts constituting original source of passengers' names, telephone numbers, etc.	2 months.
(2) Telegrams and radio messages relating to the clearance of space, passenger dispatching, etc.	1 month.
(d) System report of airplane movements by trip number showing arrivals, departures, delays and related information.	3 years.
(e) Sales reports:	
(1) Sales ticket or other similar reports from stations, offices and agents.	2 years.
(f) Auditors' coupons.	1 year.
(g) Air waybills.	1 year.
(h) Flight coupons.	1 year.
(i) Ticket refund claims records and reports.	1 year.
(j) Records and reports relating to errors, oversales, irregularities and delays in handling passengers.	1 year.
9. All documents which relate to the furnishing of transportation to candidates for political office or persons acting on their behalf which are required to be maintained following § 374a.7 of the subchapter.	2 years.
10. Correspondence and working papers relating to rate and route proceedings.	3 years.

¹ One year-mail-property; 2 years-passengers.

§ 249.21 Preservation of records by public charter operators and overseas military personnel charter operators.

Each operator authorized under Parts 372 and 380 of this chapter shall retain the following records for 6 months after completion or cancellation of the flight or series of flights. The records shall be made available upon request of an authorized representative of the Board.

(a) All receipts and statements of travel agents and all other documents which show deposits made by each charter participant or which show refunds to charter participants.

(b) All receipts and statements of travel agents and all other documents which show or reflect commissions received, paid to, or deducted by travel agents in connection with the flight or series of flights.

(c) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours.

(d) All customer reservations records for each flight.

(e) All contracts with individual tour participants.

(f) All bank statements and reconciliations for escrow bank

accounts opened and maintained in accordance with Board regulations.

Subpart C—Regulations Relating to the Truth-in-Lending Act

§ 249.30 Applicability.

This subpart is applicable to all air carriers and foreign air carriers as defined in Section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators registered under Part 298 of this chapter, indirect air carriers registered under Part 296 of this chapter, charter operators authorized under Parts 372 and 380 of this chapter, and foreign air carriers holding permits to engage in indirect foreign air transportation issued under section 402 of the Act.

§ 249.31 Preservation and inspection of evidence of compliance.

Air carriers and foreign air carriers shall preserve evidence of compliance with the requirements imposed under Regulation Z of the Board of Governors of the Federal Reserve System (12 CFR Part 226), implementing the provisions of Title I (Truth in Lending) and Title V (General Provisions) of the Consumer Credit Protection Act, as amended (15

U.S.C. 1601 *et seq.*) other than the advertising requirements under § 226.10 of regulation Z. This evidence shall be preserved for no less than 2 years after the date each disclosure is required to be made and shall be made available for inspection by authorized representatives of the Board.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13694 Filed 5-5-81; 8-45 am]

BILLING CODE 6320-01-M

14 CFR Part 207

[Reg. 1215; Amdt. No. 28 To Part 207; Docket No. 33725]

Charter Trips and Special Services; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.

Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services*, as follows:

1. The authority for Part 207 is:

Authority: Secs. 204, 401, 403, 404(b), 407, 411, 416(b), Pub. L. 85-726, as amended; 72 Stat. 743, 754, 758, 760, 766, 769, 771 (49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1381, 1386).

2. The Table of Contents is amended by removing and reserving § 207.9, *Records and Record Retention*.

§ 207.19 [Removed and Reserved]

3. Section 207.9 is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13695 Filed 5-5-81; 8-45 a.m.]

BILLING CODE 6320-01-M

14 CFR Part 208

[Reg. ER-1216, Amdt. No. 28 to Part 208; Docket No. 33725]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*, as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 101(34), 204(a), 401(d)(3), 401(n), 403, 404(b), 407, 411, 416(b), 417, Pub. L. 85-726, as amended; 72 Stat. 737, 743, 754, 758, 760, 766, 769, 771; 76 Stat. 145; [49 U.S.C. 1301, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387].

2. The Table of Contents is amended by removing and reserving §§ 208.4, *Particular Records*, and 208.34, *Record Retention*.

§ 208.4 [Removed and Reserved]

3. Section 208.4, *Particular Records* is removed and reserved.

§ 208.34 [Removed and Reserved]

4. Section 208.34, *Record Retention* is removed and reserved.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13696 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 212

[Reg. ER-1217; Amdt. No. 38 to Part 212; Docket No. 33725]

Charter Trips by Foreign Air Carriers; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is:

Authority: Secs. 204(a), 402, 403, 404(b), 411, Pub. L. 85-726, as amended; 72 Stat. 743, 757, 758, 760, 769 [49 U.S.C. 1324, 1372, 1373, 1374, 1381].

2. The Table of Contents is amended by removing and reserving § 212.7, *Records and Record Retention*.

§ 212.7 [Removed and Reserved]

3. Section 212.7, *Records and Record Retention*, is removed and reserved.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13697 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 221

[Reg. ER-1218; Amdt. No. 55 to Part 221; Docket No. 33725]

Tariffs; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 204, 204(a), 401, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as

amended; 72 Stat. 743, 754, 758, and 771, 788, 760, and 769 [49 U.S.C. 1323, 1324, 1371, 1373, 1374, 1381, 1386, 1481, 1482].

2. The Table of Contents is amended by removing and reserving § 221.170, *Posting at principal or general office*.

§ 221.170 [Removed and Reserved]

3. Section 221.170, *Posting at principal or general office* is removed and reserved.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13698 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 223

[Reg. ER-1219; Amdt. No. 11 to Part 223; Docket No. 33725]

Free and Reduced-Rate Transportation; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.
ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 223, *Free and Reduced-Rate Transportation*, as follows:

1. The authority for Part 223 is:

Authority: Secs. 204, 403, 404, 405(j), 407, and 416 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 760, 766, 771 [49 U.S.C. 1324, 1373, 1374, 1375, 1377, 1386; sec. 2 of the Postal Reorganization Act, 84 Stat. 767, 39 U.S.C. 5007].

§ 223.5 [Removed and Reserved]

2. The Table of Contents is amended by removing and reserving § 223.5, *Carrier's records*.

§ 223.5 [Removed and Reserved]

3. Section 223.5, *Carrier's records*, is removed and reserved.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13099 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 375

[Reg. SPR-174; Amdt. No. 13 to Part 375;
Docket No. 33725]

Navigation of Foreign Civil Aircraft Within the United States; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT:
Clifford M. Rand or M. Clay Moritz,
Data Requirements Division, Office of
Comptroller, Civil Aeronautics Board,
1825 Connecticut Avenue, NW.,
Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 375, *Navigation of Foreign Civil Aircraft Within the United States*, as follows:

1. The authority for Part 375 is:

Authority: Secs. 204, 402, 1108, Pub. L. 85-726, as amended; 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

2. Paragraph (b) of § 375.43 is removed and reserved, and paragraph (c) is amended to read, as follows:

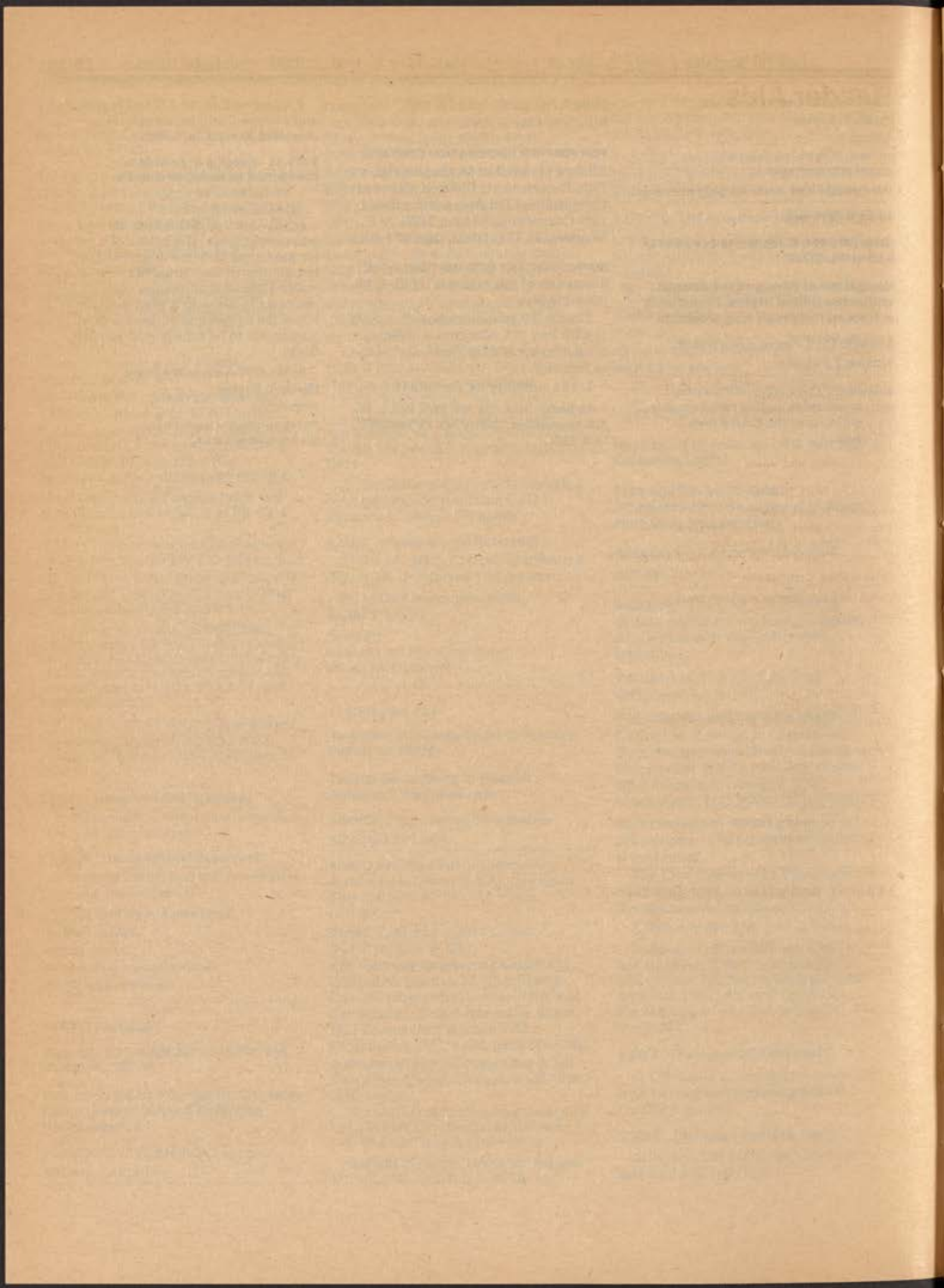
§ 375.43 Keeping of records on commercial transport operations.

(b) [Reserved]

(c) *Contents of documents for passenger flights.* The holder of a permit for passenger charters originating or terminating in the United States issued under § 375.42 shall require each charterer to file with it prior to flight a list of the names and addresses of all passengers to be transported on each flight.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-13700 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M



Reader Aids

Federal Register

Vol. 46, No. 87

Wednesday, May 8, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
	275-3030

Slip law orders (GPO)

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation

	523-3517
--	----------

United States Government Manual

	523-5230
--	----------

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926	1
24927-25076	4
25077-25288	5
25289-25420	6

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:	
12304	24521

Proclamations:

4843	24519
4844	25077

7 CFR

28	24927
910	24523
1032	24927
1050	24927
1701	25079
1942	24523

Proposed Rules:

419	24954
1701	25096
2852	25097

8 CFR

109	25079
212	24929, 25081

9 CFR

82	24524
92	24930
331	24524

10 CFR

Proposed Rules:	
Ch. I	24576
212	25315

12 CFR

335	25204
545	24526, 24531
584	24526

Proposed Rules:

210	24576
545	24579
563	24579
571	24579

13 CFR

111	24931
120	25083

Proposed Rules:

Ch. I	24955
-------	-------

14 CFR

39	24931-24936
97	24937
207	25417
208	25418
212	25418
221	25418
223	25418
249	25414
375	25419

Proposed Rules:

71	24957-24961
----	-------------

374	25321
-----	-------

15 CFR

376	24532
377	24532

16 CFR

13	24940, 25289
305	25290

Proposed Rules:

13	25102, 25103
450	24584

17 CFR

1	24940
3	24940
145	24940
147	24940

Proposed Rules:

1	25106
3	25106
32	25106, 25107

18 CFR

46	25084
131	25084
270	24537
271	24548-24549
282	24549
294	24550

Proposed Rules:

157	24585
284	24585

19 CFR

159	24944
-----	-------

20 CFR

401	24551
676	25084

21 CFR

109	24551
193	24945
520	25084, 25085
522	24553, 25085
546	25086
558	24553
561	24945

Proposed Rules:

180	24593
182	24593
351	25107
540	25107
1308	24593

24 CFR

203	25087
234	25087

Proposed Rules:

235	24594
-----	-------

885..... 25107

26 CFR

1..... 24945

7a..... 25291

35..... 24553

Proposed Rules:

1..... 24594

31..... 24595

51..... 24595

27 CFR

Proposed Rules:

4..... 24962

5..... 24962

7..... 24962

28 CFR

503..... 24896

524..... 24896

543..... 24896

545..... 24896

547..... 24896

Proposed Rules:

527..... 24902

545..... 24902

29 CFR

1910..... 24556, 24558

Proposed Rules:

Ch. XII..... 25109

530..... 25108

30 CFR

Proposed Rules:

840..... 24963

841..... 24963

842..... 24963

843..... 24963

844..... 24963

845..... 24963

32 CFR

Proposed Rules:

Ch. I..... 24596

Ch. V..... 24596

Ch. VI..... 24596

Ch. VII..... 24596

199..... 24964

33 CFR

Proposed Rules:

Ch. II..... 24596

36 CFR

Proposed Rules:

Ch. III..... 24596

39 CFR

111..... 25090

Proposed Rules:

111..... 25109

40 CFR

52..... 24560, 24562, 24946,
25090, 25092, 25294

81..... 25294, 25301

86..... 24948

180..... 24950

Proposed Rules:

Ch. I..... 24965

51..... 24596

52..... 24597-24602, 24966,
24967, 25110, 25322,
25323

61..... 25113

81..... 24604, 25324, 25325

123..... 24968

180..... 24605

420..... 24606

466..... 25114

761..... 25411

41 CFR

9-1..... 25302

9-2..... 25303

9-3..... 25303

9-4..... 25303

9-5..... 25303

9-7..... 25303

9-9..... 25303

9-10..... 25304

9-15..... 25304

9-18..... 25304

9-23..... 25304

9-50..... 25304

105-735..... 25305

42 CFR

401..... 24551

405..... 24564, 25093

44 CFR

9..... 24951

45 CFR

Proposed Rules:

Ch. XI..... 24969

46 CFR

502..... 24565

510..... 24565

525..... 24575

Proposed Rules:

Ch. IV..... 25326

47 CFR

Proposed Rules:

Ch. I..... 24969

49 CFR

531..... 24952

1033..... 25094, 25310-25312

1048..... 25314

Proposed Rules:

1002..... 25326

1201..... 25114

1241..... 25114

1248..... 25114

50 CFR

Proposed Rules:

17..... 24607

653..... 25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 10 through May 16, 1981

COMMERCE DEPARTMENT		21200	4-9-81 / Consideration of request that a variance to Virginia's Air Pollution Control Regulations be processed as revision to the State Implementation Plan; comments by 5-11-81
National Oceanic and Atmospheric Administration—		21632	4-13-81 / Polyethylene glycol; exemption from the requirement of a tolerance; comments by 5-13-81
23466	4-27-81 / Commercial tanner crab fishery off the coast of Alaska; fishery conservation, and management, final rule; comments by 5-15-81	21199	4-9-81 / Proposed approval of revisions of the South Dakota State Implementation Plan; comments by 5-11-81
COPYRIGHT ROYALTY TRIBUNAL		2556	1-9-81 / Proposed disposal standards for inactive uranium processing sites; comments by 5-11-81
20566	4-8-81 / Regulations for copyright owner access to phonorecord players (jukeboxes) and certain establishments; comments by 5-15-81	22005	4-15-81 / Standards of performance for new stationary sources: stationary gas turbines; comments by 5-15-81
ENERGY DEPARTMENT		21790	4-14-81 / State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; proposed disapproval of administration order issued by Indiana Air Pollution Control Board to Bethlehem Steel Corp.; comments by 5-14-81
Economic Regulatory Administration—		18978	3-27-81 / State hazardous waste programs, requirements for authorization; comment period extended to 5-11-81 [See also 46 FR 8298, 1-26-81]
20508	4-3-81 / Crude oil and refined petroleum products; price and allocation regulation revocation; comments by 5-15-81 [Corrected at 46 FR 21357, 4-10-81]	21395	4-10-81 / Water pollution, Virginia, expansion of program to include discharges from Federal facilities; comments by 5-11-81
Federal Energy Regulatory Commission—		EXPORT-IMPORT BANK	
22004	4-15-81 / High-cost gas produced from tight formations, Alabama; comments by 5-11-81	15888	3-10-81 / Financial disclosure requirements for bank employees; comments by 5-11-81
ENVIRONMENTAL PROTECTION AGENCY		FEDERAL COMMUNICATIONS COMMISSION	
21390	4-10-81 / Air quality, Ohio; deadline to remedy conditionally approved portions for primary nonattainment area of Middletown; comments by 5-11-81	17233	3-18-81 / Automation of the use of measurement data for AM broadcast stations; comments extended to 5-11-81 [See also 45 FR 82973, 12-17-80]
21391	4-10-81 / Air quality, Washington; review of implementation plans as applied to energy facilities; comments by 5-11-81	15185	3-4-81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; reply comments by 5-11-81
18055	3-23-81 / Canned and preserved seafood processing point source category; comments by 5-11-81	15186	3-4-81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; reply comments by 5-11-81

- 15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.: Proposed changes in the table of assignments; reply comments by 5-11-81
- 18737 3-26-81 / FM broadcast stations in various cities in South Carolina; changes in table of assignments; comments by 5-12-81
- 18743 3-26-81 / FM broadcast station in Ellsworth, Farmington, Lewiston, and Sicowlegan, Me.; changes in table of assignments; comments by 5-12-81
- 23087 4-23-81 / Inquiry into the role of low-power television broadcasting and television translators in the National Telecommunications system; reply comment period extended to 5-13-81
[See also 45 FR 69178, October 17, 1980]
- 22626 4-20-81 / Interservice sharing of frequencies in the private land mobile service below 470 MHz; comments by 5-15-80
- 12024 2-12-81 / Telephone systems; license contract agreements and other intrasystem arrangements; comments by 5-11-81
- 19005 3-27-81 / TV broadcast station in Lander, Wyo.; changes in table of assignments; comments by 5-12-81
- 19269 3-30-81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; comments by 5-15-81
- 19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; comments by 5-15-81
- 18745 3-26-81 / TV broadcast station in Oroville, Calif.; proposed changes in table of assignments; comments by 5-12-81
- FEDERAL MARITIME COMMISSION**
- 17064 3-17-81 / Interest in Reparation Proceedings; comments by 5-13-81
- FEDERAL TRADE COMMISSION**
- 21784 4-14-81 / Funeral industry practices extension of rebuttal comment period to 5-13-81
[Originally published at 46 FR 6976, 1-22-81]
- 16274 3-12-81 / George Irvin Chevrolet Co.; proposed consent agreement with analysis to aid comment; comments by 5-11-81
- INTERSTATE COMMERCE COMMISSION**
- 19271 3-30-81 / C.O.D. shipments, handling of funds; elimination of requirements; comments by 5-14-81
- 19273 3-30-81 / Railroad employees; revision of reporting requirements; comments by 5-14-81
- LABOR DEPARTMENT**
- Occupational Safety and Health Administration—
- 4182 1-16-81 / Marine terminals; health and safety standards; comments by 5-15-81
- NATIONAL CREDIT UNION ADMINISTRATION**
- 22762 4-21-81 / Federal credit unions; share, share draft and share certificate accounts; deregulation of deposit rate ceilings; comments by 5-15-81
- SECURITIES AND EXCHANGE COMMISSION**
- 18559 3-25-81 / Proposed availability of Rule 242 to certain mining companies; definition of "qualified issuer"; comments by 5-15-81
- 12011 2-12-81 / Proxy rules and shareholder communications; disclosure and compliance; comments by 5-15-81
- TRANSPORTATION DEPARTMENT**
- Coast Guard—
- 12987 2-19-81 / St. Marys River Vessel Traffic Service; comments by 5-15-81
- Federal Aviation Administration—
- 15746 3-9-81 / Balloon Federation of America; balloon pilot and flight instructor certification; petition for rulemaking; comments by 5-11-81
- 3776 1-15-81 / Parts manufacturer approvals; and falsification of airworthiness certification documents; reply comments by 5-15-81
- Federal Highway Administration—
- 21620 4-13-81 / Regulations review; comments by 5-15-81
- VETERANS ADMINISTRATION**
- 21389 Loan guaranty; home financing by State and local agencies and VA; simultaneous veteran participation; comments by 5-11-81
- Deadlines for Comments on Proposed Rules for the Week of May 17 through May 23, 1981**
- AGRICULTURE DEPARTMENT**
- Agricultural Marketing Service—
- 22557 4-17-81 / Valencia oranges grown in Arizona and designated part of California; minimum size requirement; comments by 5-18-81
- Animal and Plant Health Inspection Service—
- 17753 3-20-81 / Plant pest regulations; Mediterranean fruit fly; methyl bromide treatment for bell peppers; comments by 5-19-81
- COMMERCE DEPARTMENT**
- International Trade Administration—
- 17218 3-18-81 / Export licensing for petroleum naptha; quantitative restrictions; comments by 5-18-81
- National Oceanic and Atmospheric Administration—
- 22011 4-15-81 / Atlantic sea scallops; comments by 5-22-81
- 22913 4-22-81 / Fish and Wildlife Coordination Act, Uniform procedures for Federal agency compliance; comments by 5-22-81
[See also 45 FR 83412, 12-18-80 and 46 FR 15188, 5-4-81]
- 19418 3-30-81 / Licensing of ocean thermal energy conversion facilities and plantships; comments by 5-18-81
- CONSUMER PRODUCT SAFETY COMMISSION**
- 17788 3-20-81 / Miniature Christmas tree lights; withdrawal of proposed standard; comments by 5-19-81
- ENERGY DEPARTMENT**
- Federal Energy Regulatory Commission—
- 23947 4-29-81 / Incremental pricing; Adoption of single-tier alternative fuel price ceiling; comments by 5-22-81
- 23950 4-29-81 / Incremental pricing; elimination of 31 metropolitan regions; comments by 5-22-81
- ENVIRONMENTAL PROTECTION AGENCY**
- 22613 4-20-81 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 5-20-81
- 22615 4-20-81 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 5-20-81
- 20567 4-6-81 / Clean water; grants for construction of treatment works; comments by 5-21-81
- 22612 4-20-81 / Establishment of a tolerance for the herbicide bentazone and its metabolites; comments by 5-20-81
- 17196 3-18-81 / Hazardous waste management system; identification and listing of hazardous waste; comments by 5-17-81
- 22768 4-21-81 / Organic solvent cleaners (degreasers); standards of performance; comments by 5-21-81

22907 4-22-81 / Titanium dioxide; proposed exemption from the requirement of a tolerance; comments by 5-22-81

FARM CREDIT ADMINISTRATION

17022 3-17-81 / Disposition of obsolete records; authorization; comments by 5-18-81

FEDERAL COMMUNICATIONS COMMISSION

15754 3-9-81 / FM broadcast stations in Eagle River and Anchorage, Alaska; proposed changes in table of assignments; reply by 5-18-81

22910 4-22-81 / FM Broadcast Stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; comments extended to 5-20-81

[See also 46 FR 15298, 3-5-81]

15757 3-9-81 / FM Broadcast Station in Newberry, South Carolina; proposed changes in table of assignments; reply comments by 5-18-81

15756 3-9-81 / FM Broadcast Station in Selmer, Tenn.; proposed changes in table of assignments; reply comments by 5-18-81

9664 1-29-81 / Overseas Communications Services; comment period extended to 5-22-81

[See also 45 FR 76496, 11-19-80; 45 FR 82280, 12-15-80]

22911 4-22-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR-TV; comments by 5-21-81

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Services—

17791 3-20-81 / Federal travel regulation; updating and improving relocation allowances for Federal employees transferred in the interest of the Government; comments by 5-19-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

14355 2-27-81 / Erythromycin estolate; certification of adult dosage forms, revocation of provisions; reopening of comment period; comments by 5-18-81

[Corrected at 46 FR 16692, 3-13-81]

17063 3-17-81 / Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; extends comment period to 5-18-81

[See also 46 FR 4634, 1-16-81]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Fair Housing and Equal Opportunity Office—

22204 4-16-81 / Amendment of provisions for recognition of substantially equivalent laws; comments by 5-18-81

INTERIOR DEPARTMENT

Geological Survey—

22901 4-22-81 / Geothermal resources operations on public, acquired, and withdrawn lands; comments by 5-22-81
Indian Affairs Bureau—

22205 4-16-81 / Intent to rescind portions of regulations involving granting of rights-of-way over Indian lands; comments by 5-18-81

National Park Service—

22905 4-22-81 / Big Cypress National Preserve, Fla.; intent to propose rulemaking; comments by 5-22-81

22905 4-22-81 / Everglades National Park, Fla., petition for rulemaking; comments by 5-22-81

Office of the Secretary—

22913 4-22-81 / Fish and Wildlife Coordination Act, Uniform procedures for Federal agency compliance; comments by 5-22-81

[See also 45 FR 83412, 12-18-80 and 46 FR 15188, 5-4-81]

LABOR DEPARTMENT

Wage and Hour Division, Employment Standards Administration—

11672 2-10-81 / Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; comments extended to 5-22-81

[See also 45 FR 83914, 12-19-80]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

16918 3-16-81 / Federal Acquisition Regulation (FAR); contracts with State and local governments; cost principles and procedures; comments by 5-19-81

SECURITIES AND EXCHANGE COMMISSION

19251 3-30-81 / Reporting and regulatory requirements; definitions of terms "small business" and "small organization"; comments by 5-19-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

5506 1-19-81 / FAA access to flight data recorder and cockpit voice recorder tapes; comments by 5-18-81

National Highway Traffic Safety Administration—

7015 1-22-81 / Federal motor vehicle safety standards, pedestrian impact protection; comments by 5-22-81

Urban Mass Transportation Administration—

23501 4-27-81 / Buy America requirements; subcomponents manufactured in U.S.; comments extended from 4-20-81 to 5-20-81

[See also 46 FR 5815, 1-19-81]

TREASURY DEPARTMENT

Internal Revenue Service—

17566 3-19-81 / Temporary employment tax regulations relating to submission of certain withholding certificates; comments by 5-18-81

22395 4-17-81 / Withholding exemption certificates; comments by 5-19-81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

22773 Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg. (open), 5-11-81

CIVIL AERONAUTICS BOARD

22763 4-21-81 / Smoking aboard aircraft; alternatives to ban on in-flight smoking; proposed rulemaking; oral arguments on 5-13-81 in Wash., D.C.

CIVIL RIGHTS COMMISSION

19287 3-30-81 / North Carolina Advisory Committee, Raleigh, N.C. (open), 5-13-81

23089 4-23-81 / West Virginia Advisory Committee, Charleston, W.V. (open), 5-14-81

22630 4-20-81 / Wisconsin Advisory Committee, Milwaukee and Racine, Wis. (open), 5-15 and 5-16-81

[Amended at 46 FR 23962, 4-29-81]

COMMERCE DEPARTMENT

International Trade Administration—

21216 4-9-81 / Exporters' Textile Advisory Committee, Washington, D.C. (open), 5-12-81

National Oceanic and Atmospheric Administration—

22418 4-17-81 / Gulf of Mexico Fishery Management Council, Clearwater Beach, Fla. (open), 5-13 and 5-14-81

22251 4-16-81 / Mid-Atlantic Fishery Management Council, Groundfish Subpanel, Riverhead, N.Y. (open), 5-11-81

23280 4-24-81 / South Atlantic Fishery Management Council's, Scientific and Statistical Committee, Charleston, S.C. (open), 5-11 and 5-12-81

- 22921 4-22-81 / Pacific Fishery Management Council, Herring Subpanel, Portland, Ore. (open), 5-13 and 5-14-81
- DEFENSE DEPARTMENT**
Air Force Department—
- 21057 4-8-81 / USAF Scientific Advisory Board, Washington, D.C. (closed), 5-12 and 5-13-81
Army Department—
- 22255 4-16-81 / United States Army Medical Research and Development Advisory Panel Subcommittee on Surgery, San Francisco, Calif. (open), 5-15-81
Office of the Secretary—
- 22025 4-15-81 / Defense Intelligence Agency Advisory Committee, foreign collection systems, Rosslyn, Va. (closed), 5-13-81
- 21228 4-9-81 / National Defense University and Defense Intelligence School Board of Visitors, Defense Intelligence School Panel, Washington, D.C. (partially open), 5-11 through 5-13-81
- 17826 3-20-81 / Wage Committee, Washington, D.C. (closed), 5-12-81
- EDUCATION DEPARTMENT**
- 23784 4-28-81 / Search Committee of the Intergovernmental Advisory Council on Education, Washington, D.C. (closed), 5-13-81
- ENERGY DEPARTMENT**
- 19970 4-2-81 / National Petroleum Council, Environmental Conservation Committee, Synthetic Fuels Task Group (open), Washington, D.C., 5-14-81
- 22026 4-15-81 / National Petroleum Council, Environmental Conservation Committee, Synthetic Fuels Task Group, Denver, Colo. (open), 5-13-81
[Location changed at 46 FR 23784, 4-28-81]
Bonneville Power Administration—
- 23287 4-24-81 / Bonneville's contract negotiation sessions, Seattle, Wash., 5-13-81 and Boise, Idaho, 5-14-81 (both sessions open)
- ENVIRONMENTAL PROTECTION AGENCY**
- 23490 4-27-81 / FIFRA Scientific Advisory Panel, Arlington, Va. (open), 5-13 and 5-14-81
- 23800 4-28-81 / Science Advisory Board Executive Committee, Washington, D.C. (open), 5-14 and 5-15-81
- 22260 4-16-81 / Science Advisory Board, Subcommittee on Health Risk Assessment, Washington, D.C. (open), 5-13-81
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 23301 4-24-81 / Committee Meetings, Washington, D.C. (partially open), 5-14-81
- FINE ARTS COMMISSION**
- 23098 4-23-81 / Washington, D.C. (open), 5-12-81
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration—
- 21455 4-10-81 / Drug Abuse Advisory Committee, Rockville, Md. (open), 5-14 and 5-15-81
National Institutes of Health—
- 21827 4-14-81 / Surgical Therapy for Periodontitis Workshop, Bethesda, Md. (open), 5-13 and 5-14-81
Public Health Service—
- 22991 4-22-81 / Health Care Technology Council, National Center for Health Care Technology, Coverage Subcommittee, Washington, D.C. (partially open), 5-14-81
- INTERIOR DEPARTMENT**
Land Management Bureau—
- 22466 4-17-81 / Arizona Strip District Grazing Advisory Board, St. George, Utah (open), 5-19-81
- 20784 4-7-81 / Eugene District Advisory Council, Eugene, Ore. (open), 5-12-81
- 16340 3-12-81 / Lakeview District Advisory Council, Lakeview, Ore. (open), 5-12-81
[See also 46 FR 13045, 2-19-81]
- 21251 4-9-81 / Rock Springs District Advisory Council, Pinedale, Wyo. (open), 5-14-81
- 18798 3-26-81 / Safford District Advisory Council, Safford, Ariz. (open), 5-14-81
- 19993 4-2-81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 5-14-81
- 23312 4-24-81 / Twin Falls Grazing Environmental Impact Statement, Twin Falls, Idaho (open), 5-13-81
- 19998 4-2-81 / Worland District Grazing Advisory Board, Worland, Wyo. (open), 5-13-81
National Park Service—
- 22044 4-15-81 / Delta Region Reservation Commission, New Orleans, La. (open), 5-13-81
- 22661 4-20-81 / Santa Monica Mountains National Recreation Area Advisory Commission, Studio City, Calif. (open), 5-12-81
Water and Power Resources Service—
- 22662 4-20-81 / McElms Creek Salinity Control Unit, Cortez, Colo. (open), 5-13-81
- LABOR DEPARTMENT**
Occupational Safety and Health Administration—
- 21368 4-10-81 / Conveyor standards, Chicago, Ill. (open), 5-12 through 5-14-81
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
- 23573 4-27-81 / NASA Advisory Council, Aeronautics Advisory Committee, Langley Field, Va. (open), 5-14 and 5-15-81
- 23573 4-27-81 / NASA Advisory Council, Life Sciences Advisory Committee, Washington, D.C. (partially open), 5-12 and 5-13-81
- NATIONAL SCIENCE FOUNDATION**
- 21868 4-14-81 / Behavioral and Neural Sciences Advisory Committee, Neurobiology Subcommittee, Washington, D.C. (closed), 5-13, 5-14 and 5-15-81
- 22838 4-21-81 / Ocean Sciences Advisory Committee, Sea-Air Exchange (SEAREX) Project Subcommittee, Washington, D.C. (closed), 5-11 and 5-12-81
- 21868 4-14-81 / Physiology, Cellular, and Molecular Biology Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 5-11 and 5-12-81
- OCEANS AND ATMOSPHERE ADVISORY COMMITTEE**
- 21507 4-10-81 / Independent Areas Task Force, Marine Transportation Subgroup, Washington, D.C. (open) 5-14 and 5-15-81
- POSTAL RATE COMMISSION**
- 22299 4-16-81 / Mail classification schedule, Washington, D.C. (open), 5-13-81
- SMALL BUSINESS ADMINISTRATION**
- 22096 4-15-81 / Region III (Washington, D.C.) Advisory Council, Washington, D.C. (open), 5-13-81
- 18134 3-23-81 / Region III Advisory Council, Richmond, Va. (open), 5-14 and 5-14-81
[Rescheduled at 46 FR 23012, 4-22-81]
- SECURITIES AND EXCHANGE COMMISSION**
- 23010 4-22-81 / Shareholder Communications Advisory Committee, Washington, D.C. (open), 5-13-81

STATE DEPARTMENT

- 22710 International Investment, Technology, and Development Advisory Committee, International Data Flows Working Group, Washington, D.C. (open), 5-14-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 23583 4-27-81 / Aviation Human Factors Workshop, Atlantic City Airport, New Jersey, (open), 5-13 through 5-15-81
- 22299 4-16-81 / Radio Technical Commission for Aeronautics, Special Committee 139 on Airborne Equipment Standards for Microwave Landing System, Washington, D.C. (open), 5-12 through 5-14-81

VETERANS ADMINISTRATION

- 16774 3-13-81 / Medical Research Service, Surgery Medical Review Board, Washington, D.C. (partially open), 5-11-81
- 16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 5-14-81

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 22382 4-17-81 / Onions grown in certain designated counties in Idaho and Malheur County, Oregon; proposed amendment on marketing agreement and order, Ontario, Oreg., 5-13-81

AIRCRAFT CREW COMPLEMENT, PRESIDENT'S TASK FORCE

- 20645 4-6-81 / Certification of "new generation" commercial airlines, Washington, D.C., 5-11 through 5-16-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 19418 3-30-81 / Licensing of ocean thermal energy conversion facilities and plantships, Washington, D.C., 5-11-81

CONSUMER PRODUCT SAFETY COMMISSION

- 19247 3-30-81 / Refuse bins; unstable, front-loading, small capacity, and straight-sided; proposed ban, Washington, D.C., 5-11-81
- 23469 4-27-81 / Ban of unstable refuse bins, West Los Angeles, Calif., 5-11-81

DEFENSE DEPARTMENT

Navy Department—

- 19969 4-2-81 / Naval Discharge Review Board, Helena, Mont.; Portland, Ore.; Salt Lake City, Utah; Denver, Colo., 5-11 through 5-16-81

ENVIRONMENTAL PROTECTION AGENCY

- 16278 3-12-81 / Proposed remedial action standards for inactive uranium processing sites, Washington, D.C., 5-14-81

FEDERAL TRADE COMMISSION

- 6976 1-22-81 / Funeral industry practices, 5-13-81

INTERIOR DEPARTMENT

National Park Service—

- 22043 4-15-81 / Alexandria waterfront, Alexandria, Va., 5-14-81
- Surface Mining Reclamation and Enforcement Office—
- 22902 4-22-81 / Interim and permanent regulatory program modifications, Washington, D.C., 5-14-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

- 3916 1-16-81 / Conveyor standard, Chicago, Ill., 5-12, 5-13, and 5-14-81

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 May 5, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

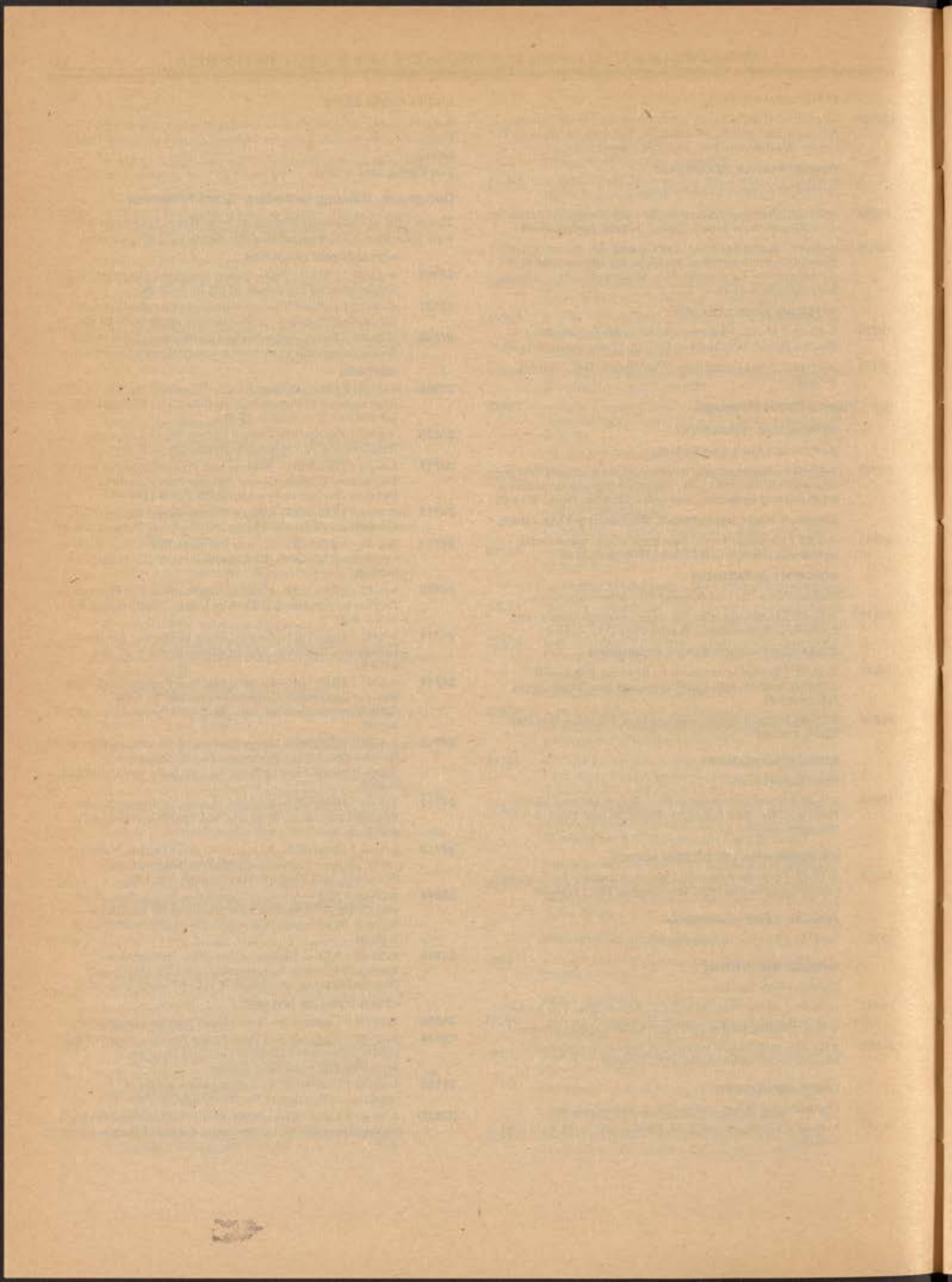
- 23906 4-28-81 / HHS/HDSO—Native American Programs; Tribal Environmental Protection; apply by 7-13-81
- 23837 4-28-81 / Justice/NIJ—Announcement for the General Evaluation Program—2; Solicitation; apply by 6-29-81
- 24046 4-29-81 / Justice/NIJ—Arson adjudication in the United States, competitive research grant; proposals by 6-12-81

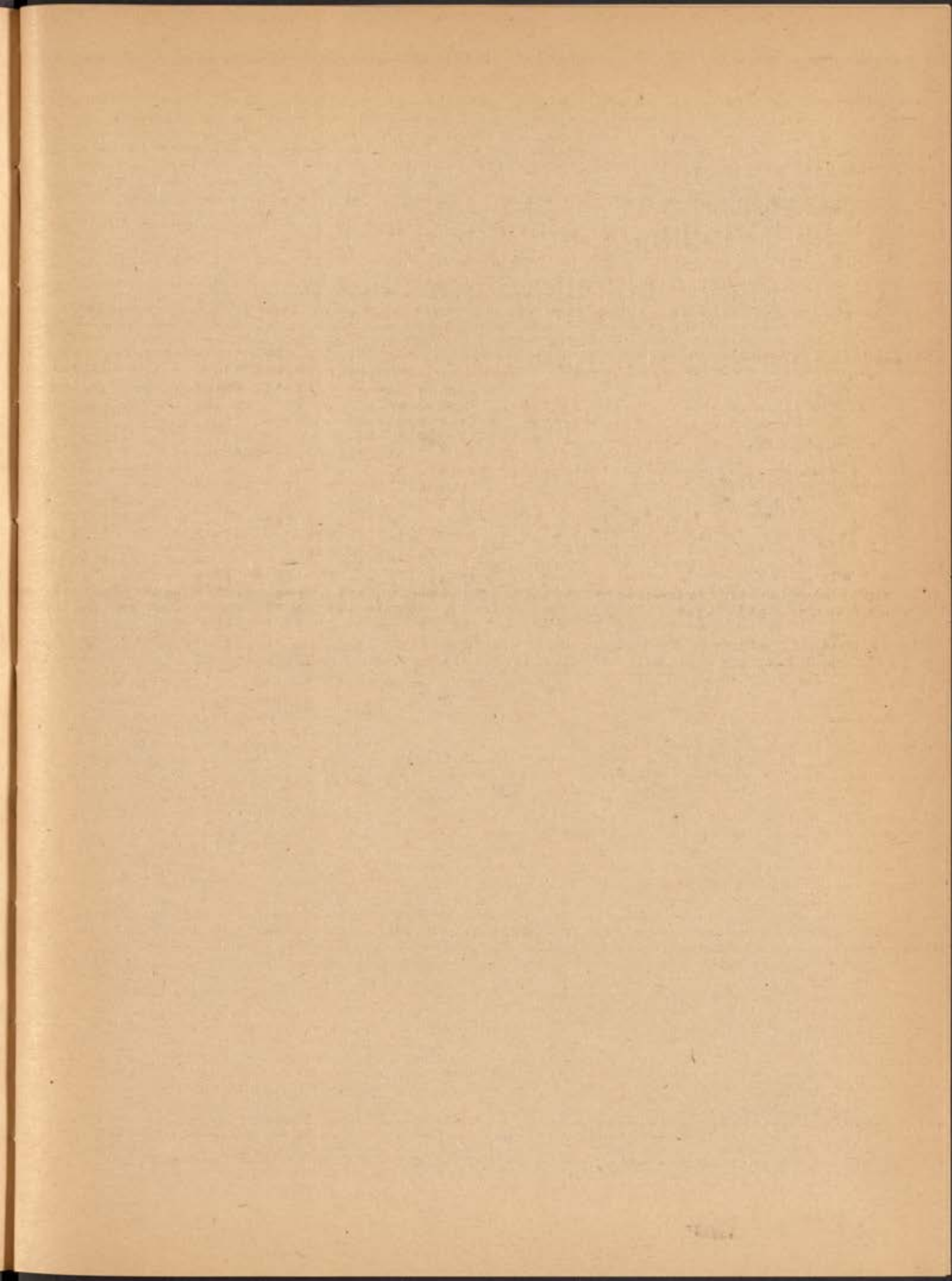
MEETINGS

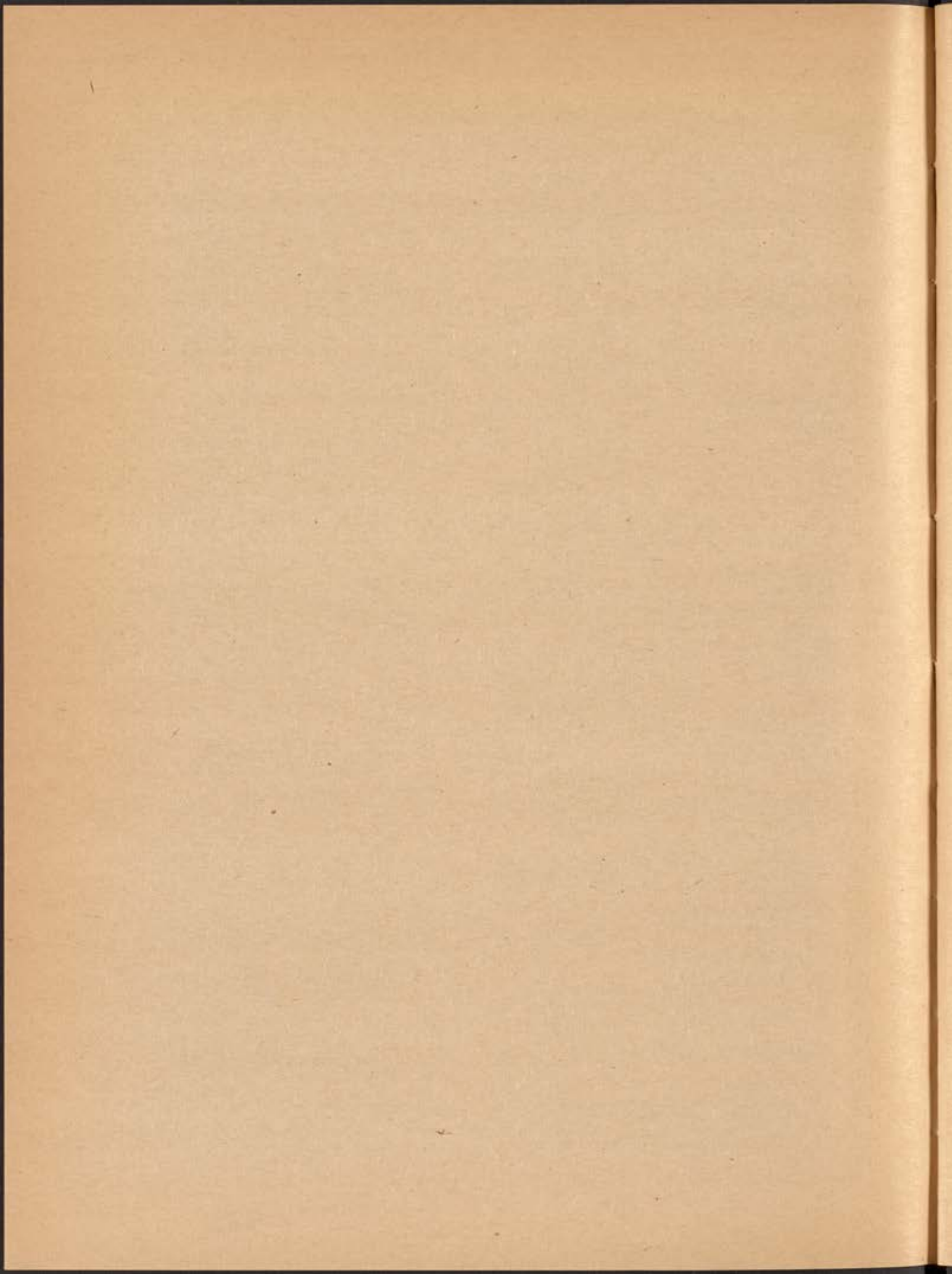
- 23968 4-29-81 / ED—National Board of the Fund for the Improvement of Postsecondary Education, Elkridge, Md. (closed), 5-28 through 5-30-81
- 24625 5-1-81 / Energy/ERO—High Energy Physics Advisory Panel, Upton, N.Y. (open), 5-18 through 5-20-81
- 24711 5-1-81 / HHS/NIH—Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee, Hershey, Pa. (partially open), 6-10 and 6-11-81
- 24711 5-1-81 / HHS/NIH—Cancer Control Grant Review Committee, Bethesda, Md. (partially open), 6-8 and 6-9-81
- 24712 5-1-81 / HHS/NIH—Cancer Research Manpower Review Committee, Madison, Wis. (partially open), 5-27 and 5-28-81
- 24712 5-1-81 / HHS/NIH—Clinical Applications and Prevention Advisory Committee, Bethesda, Md. (partially open), 5-7 and 5-8-81
- 24714 5-1-81 / HHS/NIH—Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 6-11 and 6-12-81
- 24714 5-1-81 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee, Schiller Park, Ill. (partially open) 6-1 and 6-2-81
- 24715 5-1-81 / HHS/NIH—Large Bowel and Pancreatic Cancer Review Committee, Pancreatic Cancer Review Subcommittee, New Orleans, La. (partially open), 6-4 and 6-5-81
- 24715 5-1-81 / HHS/NIH—Minority Access to Research Careers Review Committee, Bethesda, Md. (partially open), 6-18 and 6-19-81
- 24712 5-1-81 / HHS/NIH—Research Grants Division, various study sections (partially open), Washington, D.C., Maryland, and Virginia, May through July 1981.
- 23844 4-28-81 / NSF—Advisory Committee for Mathematical and Computer Sciences; Subcommittee for Computer Science, Washington, D.C. (partially open), 5-27 through 5-29-81
- 23844 4-28-81 / NSF—Advisory Committee for Social and Economic Science; Subcommittee for Geography and Regional Science, Washington, D.C. (closed), 5-18-81

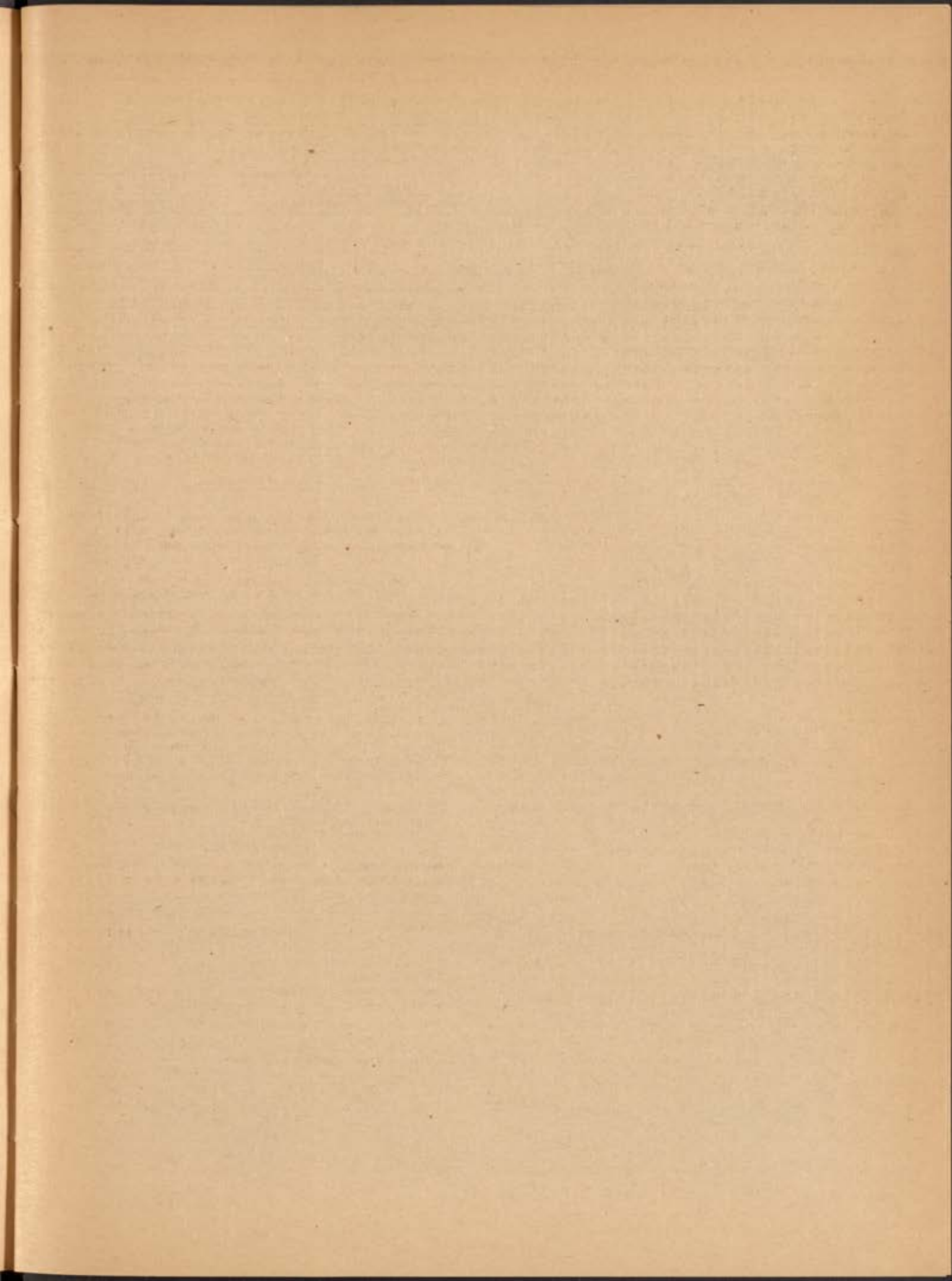
OTHER ITEMS OF INTEREST

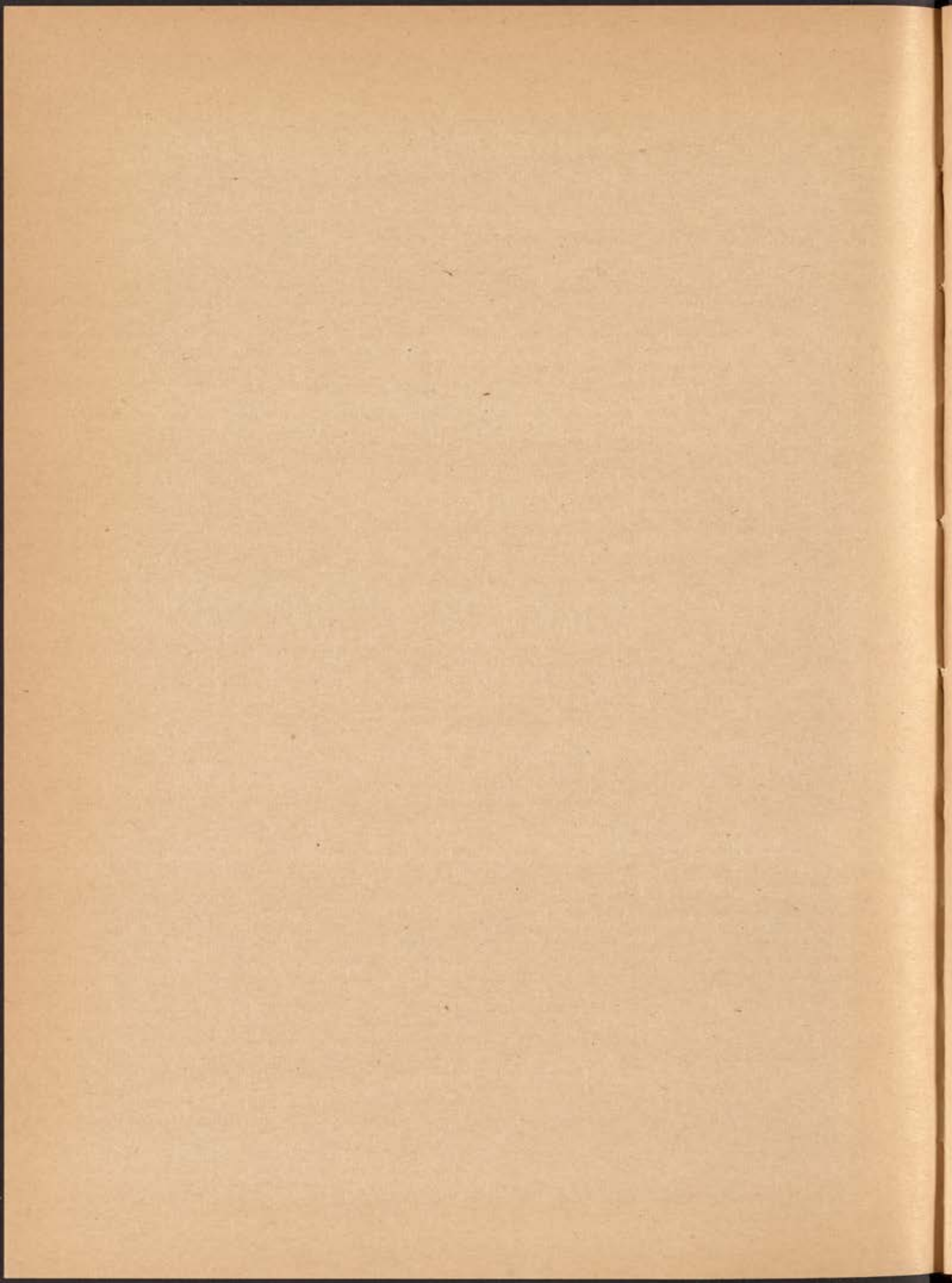
- 24096 4-29-81 / Commerce—Semiannual agenda of regulations
- 23514 4-27-81 / Commerce/NTIA—Grant Appeals Board of the Public Telecommunications Facilities Program; Memorandum opinion and order
- 24129 4-29-81 / Justice/DEA—Semiannual agenda of regulations; Regulatory flexibility agenda
- 23837 4-28-81 / Labor/ETA—Employment transfer and business competition determinations under the Rural Development Act











Department of Justice
Federal Bureau of Investigation
Washington, D. C. 20535

Code of Federal Regulations

Revised as of January 1, 1978



Volume	Page	Volume	Page
1	1	10	10
2	2	11	11
3	3	12	12
4	4	13	13
5	5	14	14
6	6	15	15
7	7	16	16
8	8	17	17
9	9	18	18
10	10	19	19
11	11	20	20
12	12	21	21
13	13	22	22
14	14	23	23
15	15	24	24
16	16	25	25
17	17	26	26
18	18	27	27
19	19	28	28
20	20	29	29
21	21	30	30
22	22	31	31
23	23	32	32
24	24	33	33
25	25	34	34
26	26	35	35
27	27	36	36
28	28	37	37
29	29	38	38
30	30	39	39
31	31	40	40
32	32	41	41
33	33	42	42
34	34	43	43
35	35	44	44
36	36	45	45
37	37	46	46
38	38	47	47
39	39	48	48
40	40	49	49
41	41	50	50
42	42	51	51
43	43	52	52
44	44	53	53
45	45	54	54
46	46	55	55
47	47	56	56
48	48	57	57
49	49	58	58
50	50	59	59
51	51	60	60
52	52	61	61
53	53	62	62
54	54	63	63
55	55	64	64
56	56	65	65
57	57	66	66
58	58	67	67
59	59	68	68
60	60	69	69
61	61	70	70
62	62	71	71
63	63	72	72
64	64	73	73
65	65	74	74
66	66	75	75
67	67	76	76
68	68	77	77
69	69	78	78
70	70	79	79
71	71	80	80
72	72	81	81
73	73	82	82
74	74	83	83
75	75	84	84
76	76	85	85
77	77	86	86
78	78	87	87
79	79	88	88
80	80	89	89
81	81	90	90
82	82	91	91
83	83	92	92
84	84	93	93
85	85	94	94
86	86	95	95
87	87	96	96
88	88	97	97
89	89	98	98
90	90	99	99
91	91	100	100



Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 7—Agriculture (Parts 53 to 209)	\$6.50	\$ _____
_____	Title 7—Agriculture (Parts 900 to 944)	7.00	_____
	Total Order		\$ _____

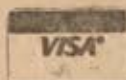
A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aide section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find \$_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.



Credit Card Orders Only

Total charges \$_____ Fill in the boxes below.

Credit Card No.

Expiration Date
Month/Year

Charge to my Deposit Account No.

Order No. _____



Please send me the Code of Federal Regulations publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		