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## Highlights

26482 **Interest Rates** VA is increasing maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvement loans.

26591 **Grant Programs—Justice** Justice/NIJ announces competitive research grant to examine types of policies governing and payments made for correctional officers' disabilities and organizational/administrative factors.

26491 **Power Reactor Safety** NRC proposes to add to its power reactor safety regulations a set of licensing requirements applicable to operating license applications.

26478 **Iran** Treasury/FACO amends regulations reporting on close relatives of former Shah of Iran served as defendants in litigation.

26476 **Iran** Treasury/FACO amends Iranian Assets Control Regulations.

26471 **Radiation** NRC publishes final rule amending exemption for ionizing radiation measuring instruments.

26562 **School Construction** Interior/BIA revises school construction priority list for fiscal year 1982.

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**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.

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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.

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

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26498 **Regulatory Agenda** SSS

26593 **Securities** Treasury/Sec'y announces interest rate on notes of Series A-1991.

26593 **Securities** Treasury/Sec'y announces interest rate on notes of Series K-1984.

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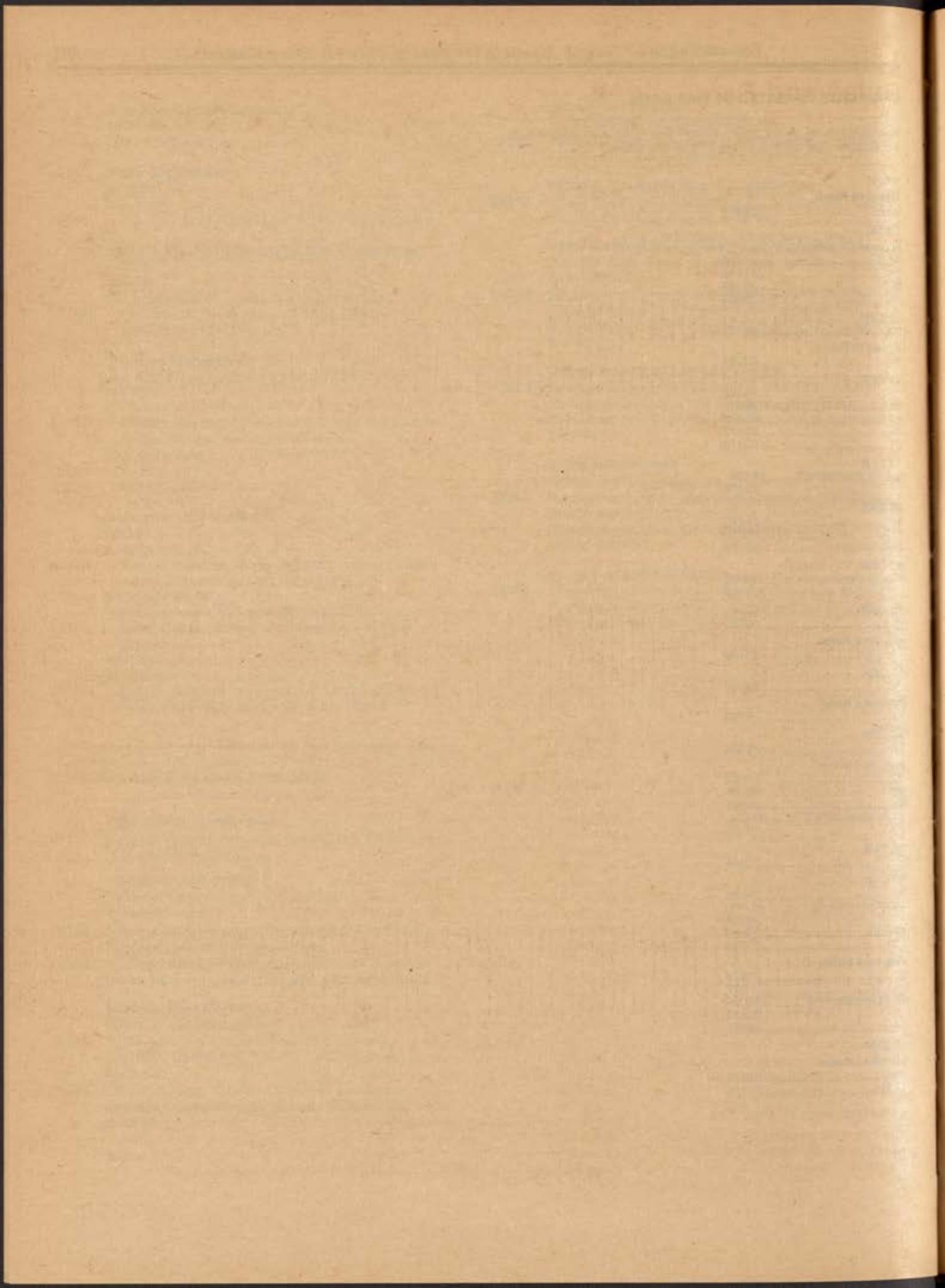
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# Rules and Regulations

Federal Register

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 30

#### Amendment of Exemption for Ionizing Radiation Measuring Instruments

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its rules of general applicability to domestic licensing of byproduct material so that persons exempt from licensing and regulatory requirements may receive, use, and transfer ionizing radiation measuring instruments containing multiple internal calibration or standardization sources of byproduct material. The amendment is being adopted in response to a petition for rulemaking filed by General Atomic Company to permit distribution to exempt persons of multiple function instruments important to monitoring radiation and radioactive materials in and around major nuclear facilities. The action relieves all persons from the requirement to obtain a specific license to the extent that they receive, use, and transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the pertinent exempt quantity. An instrument may contain a total of 10 exempt quantities of byproduct material. The amendment should be of interest to manufacturers and users of ionizing radiation measuring instruments.

**EFFECTIVE DATE:** May 12, 1981.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear

Regulatory Commission, Washington, D.C. 20555. Telephone: 301/443-5946.

**SUPPLEMENTARY INFORMATION:** On February 25, 1981, the Nuclear Regulatory Commission published in the Federal Register (46 FR 14019) a notice of proposed amendments to 10 CFR Part 30 to permit the exempt use of multiple calibration sources in a radiation measuring instrument. Part 30 presently allows the exempt use of only a single calibration source in an instrument. The proposed change to permit use of multiple sources would enable users to obtain instruments with several internal sources so that calibration can be performed on a spectrum of radiation energies and more reliable measurements can be performed. Also, the proposed change would enable the use of multiple detectors with a single instrument and thus increase the number of samples measured in a given time period and reduce the cost per measurement.

The proposed amendments provided a period of 45 days for public comment. Two comments were received. Both comments were from manufacturers of radiation instruments and urged prompt adoption of final amendments. One of the manufacturers also suggested a minor change in the proposed amendments in order to allow greater flexibility in the design of instruments that may be used under the exemption. That suggestion concerned the number of radionuclides that could be contained in a single source or instrument. As indicated by the manufacturer, from the standpoint of health and safety the limitation of significance is the number of exempt quantities in a single source or a single instrument and the number of different radionuclides is not significant. The Commission agrees that the proposed amendments were unnecessarily restrictive with respect to the number of radionuclides that may be used in an instrument and the final rule does not limit an instrument to one exempt quantity of a particular radionuclide. Except for this change to allow greater flexibility in choice of radionuclides, the final amendment is substantially the same as the proposed amendments.

In the preamble to the final rule published in the Federal Register on April 22, 1970 (35 FR 6427), the Commission found that the exemption from licensing of ionizing radiation

measuring instruments containing certain internal calibration or standardization sources under the conditions set forth in 10 CFR 30.15(a)(9) would not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The Commission has found that the amendments set forth below are of a minor or nonpolicy nature, do not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

#### Regulatory Flexibility Certification

Since this amendment relieves persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with multiple internal calibration sources will be able to obtain those instruments without incurring the costs of a specific license.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective immediately upon publication pursuant to 5 U.S.C. 553(d).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 30, is published as a document subject to codification.

#### PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.15, paragraph (a)(9) is revised to read as follows:

##### § 30.15 Certain items containing byproduct material.

(a) \* \* \*

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided*, That:

(i) Each source contains no more than one exempt quantity set forth in § 30.71, Schedule B, and

(ii) Each instrument contains no more than 10 exempt quantities. For purposes of this paragraph (a)(9), an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in § 30.71, Schedule B, provided that the sum of such fractions shall not exceed unity.

(Secs. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201b); sec. 201, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 30th day of April, 1981.

For the Nuclear Regulatory Commission,  
William J. Dircks,  
Executive Director for Operations.

[FRC Doc. 81-14365 Filed 5-12-81; 8:45 am]  
BILLING CODE 7590-01-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Parts 15, 16, 17, 18, and 21

#### Deliveries and Exchanges of Futures for Physicals; Reporting Open Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; deferral of effective date.

**SUMMARY:** On March 25, 1981, the Commission published in the *Federal Register* amendments to Parts 15 through 21 of its reporting regulations which, among other things, would require futures commission merchants ("FCMs") to report delivery notices and exchanges of futures for physicals to the Commission. (46 FR 18528, March 25, 1981). These revisions were to have been effective May 15, 1981. However, several FCMs have encountered problems in making computer programming changes by May 15, 1981, that are necessary in order for them to comply with the new requirements.

The Commission has determined that a deferral of the effective date would allow compliance with the new requirements while causing no significant loss of surveillance information.

**DATE:** Accordingly, notice is hereby given that the effective date of the above changes has been postponed to June 12, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Associate Director, Market Surveillance Section, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone 202-254-3310.

Issued in Washington, D.C., on May 8, 1981.  
Jean A. Webb,

Deputy Secretary of the Commodity Futures Trading Commission

[FRC Doc. 81-14434 Filed 5-12-81; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 19 CFR Part 355

#### Butter From Denmark; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review and of Revocation of Countervailing Duty Order.

**SUMMARY:** On March 20, 1981, the Department of Commerce published in the *Federal Register* a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to butter from Denmark. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received written comments from one party objecting to the revocation, but these were subsequently withdrawn. Therefore, the Department is revoking the order on the grounds that the Government of Denmark has eliminated the subsidy and that this product remains covered by the order on dairy products from the European Communities.

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

FOR FURTHER INFORMATION CONTACT:  
Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

#### SUPPLEMENTARY INFORMATION:

#### Procedural Background

On September 28, 1935, in T.D. 47896, the Department of the Treasury imposed countervailing duties on butter imported

directly or indirectly from Denmark. On December 29, 1936, T.D. 48734 modified this prior order, restricting its application to butter exported indirectly from Denmark on or after November 10, 1935. On May 19, 1975, a "Final Countervailing Duty Determination" on dairy products from the European Communities ("the EC"), including butter from Denmark, T.D. 75-113, was published in the *Federal Register* (40 FR 21719). On March 20, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (46 FR 17819).

#### Scope of the Review

Imports covered by this review are butter imported indirectly from Denmark. Such imports are currently classifiable under items 116.00-116.25, Tariff Schedules of the United States. The review covers the period January 1, 1973 to the present.

In the preliminary results of the review we concluded that the imported merchandise no longer benefits from subsidies from the Government of Denmark and that entries of this merchandise remained covered by the 1975 countervailing duty order on dairy products from the EC. Interested parties were afforded an opportunity to furnish oral or written comments. We received comments from one party objecting to both of these conclusions, but they were subsequently withdrawn.

#### Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of Denmark. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department revokes the countervailing duty order concerning butter from Denmark (T.D. 47896, as modified by T.D. 48734) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 20, 1981.

There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to May 19, 1975, the date of publication of the countervailing duty order on dairy products from the EC. Entries on or after May 19, 1975 are subject to the waiver of that order, T.D. 75-114 (40 FR 21720). The Customs Service shall continue to liquidate all entries without regard to countervailing duties.

**PART 355—COUNTERVAILING DUTIES****Annex III [Amended]**

Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Denmark" by removing from the column headed "Commodity" the word "Butter"; from the column headed "Treasury Decision," the numbers "47896" and "48734"; and from the column headed "Action," the words "Bounties declared-rate" and "Discontinued as to direct shipments," respectively.

This revocation, administrative review, and notice are in accordance with sections 751(a)(1), (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

**John D. Greenwald,**  
*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 81-14418 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

**19 CFR Part 355****Cheese From Finland; Revocation of Countervailing Duty Order**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of revocation of countervailing duty order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on cheese from Finland. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Finland and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

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

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

**SUPPLEMENTARY INFORMATION:** On June 18, 1976, a notice of "Final Countervailing Duty Determination" on cheese from Finland, T.D. 78-173, was

published in the Federal Register (41 FR 24702). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act").

In conjunction with the notice, the Treasury Department published T.D. 78-174 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 24703).

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

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Finland and the United States entered into such an agreement on April 12, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 78-173 and T.D. 78-174 with respect to all entries, or withdrawals from warehouse, for consumption of cheese from Finland. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Finland and the United States.

Should the Government of Finland terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

**PART 355—COUNTERVAILING DUTIES****Annex III [Amended]**

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country," the word "Finland"; from the column headed "Commodity," the word "Cheese"; from the column headed "Treasury Decision,"

the numbers "78-173" and "78-174"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

**John D. Greenwald,**

*Deputy Assistant Secretary for Import Administration.*

May 1, 1981.

[FR Doc. 81-14419 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

**19 CFR Part 355****Cheese From Sweden; Revocation of Countervailing Duty Order**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of Revocation of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on cheese from Sweden. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Sweden and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

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

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-1167).

**SUPPLEMENTARY INFORMATION:** On July 1, 1976, a notice of "Final Countervailing Duty Determination" on cheese from Sweden, T.D. 78-188, was published in the Federal Register (41 FR 27032). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). In conjunction with the notice, the Treasury Department

published T.D. 76-189 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 27032).

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

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Sweden and the United States entered into such an agreement on June 13, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76-188 and T.D. 76-189 with respect to all entries, or withdrawals from warehouse, for consumption of cheese from Sweden. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Sweden and the United States.

Should the Government of Sweden terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

## PART 355—COUNTERVAILING DUTIES

### Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Sweden" by removing from the column headed "Commodity", the word "Cheese"; from the column headed "Treasury Decision," the numbers "76-188" and "76-189"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the

Trade Agreements Act of 1979 (19 U.S.C. 1202, note).  
**John D. Greenwald,**  
*Deputy Assistant Secretary for Import Administration.*  
**May 1, 1981.**  
 [FR Doc. 81-14420 Filed 5-12-81; 8:45 am]  
 BILLING CODE 3510-25-M

### 19 CFR Part 355

#### Cheese, Other Than Jarlsberg, From Norway; Revocation of Countervailing Duty Order

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of Revocation of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on cheese, other than Jarlsberg, from Norway. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Norway and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

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

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-1167).

**SUPPLEMENTARY INFORMATION:** On May 28, 1976, a notice of "Final Countervailing Duty Determination" on cheese, other than Jarlsberg, from Norway, T.D. 76-152, was published in the *Federal Register* (41 FR 21767). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). In conjunction with the notice, the Treasury Department published T.D. 76-153 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 21767).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty

law was transferred from the Department of the Treasury to the Department of Commerce ("the Department").

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Norway and the United States entered into such an agreement on May 17, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76-152 and T.D. 76-153 with respect to all entries, or withdrawals from warehouse, for consumption of cheese, other than Jarlsberg, from Norway. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Norway and the United States. Should the Government of Norway terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

## PART 355—COUNTERVAILING DUTIES

### Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country," the word "Norway"; from the column headed "Commodity", the words "Cheese, Other than Jarlsberg"; from the column headed "Treasury Decision," the numbers "76-152" and "76-153"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

**John D. Greenwald,**

*Deputy Assistant Secretary for Import Administration.*

**May 1, 1981.**

[FR Doc. 81-14421 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

**19 CFR Part 355****Emmenthaler and Gruyere Cheese From Switzerland; Revocation of Countervailing Duty Order****AGENCY:** International Trade Administration, Department of Commerce.**ACTION:** Notice of Revocation of Countervailing Duty Order.

**SUMMARY:** The Department of Commerce is revoking the countervailing duty order on Emmenthaler and Gruyere cheese from Switzerland. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Switzerland and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

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

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

**SUPPLEMENTARY INFORMATION:** On January 8, 1976, a notice of "Final Countervailing Duty Determination" on Emmenthaler and Gruyere cheese from Switzerland, T.D. 76-5, was published in the *Federal Register* (41 FR 1467). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). In conjunction with the notice, the Treasury Department published T.D. 76-6 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 1468).

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

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that

contains a commitment by the government of that country with respect to price undercutting. The Governments of Switzerland and the United States entered into such an agreement on April 12, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76-5 and T.D. 76-6 with respect to all entries, or withdrawals from warehouse, for consumption of Emmenthaler and Gruyere cheese from Switzerland. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Switzerland and the United States. Should the Government of Switzerland terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

**PART 355—COUNTERVAILING DUTIES****Annex III [Amended]**

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country," the word "Switzerland"; from the column headed "Commodity," the words "Emmenthaler and Gruyere cheese"; from the column headed "Treasury Decision," the numbers "76-5" and "76-6"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

*John D. Greenwald,  
Deputy Assistant Secretary for Import Administration.*

April 23, 1981.

[FR Doc. 81-14417 Filed 5-12-81; 8:45 am]

**BILLING CODE 3510-25-M**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 105****Deposit of Indian Funds in Banks**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Rescission of rule.

**SUMMARY:** The Bureau of Indian Affairs is rescinding the regulations governing the deposit of Indian funds in banks. The Bureau of Indian Affairs now maintains its own accounts for trust funds instead of depositing them in banks. For that reason these regulations are no longer needed.

**EFFECTIVE DATE:** This action takes effect May 13, 1981.

**FOR FURTHER INFORMATION CONTACT:** Barton Wright, Chief, Division of Accounting Management, Bureau of Indian Affairs, P.O. Box 127, Albuquerque, New Mexico 87103, telephone (505) 766-3498.

**SUPPLEMENTARY INFORMATION:** The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 95-354 and 43 CFR Part 14, 45 FR 85376.

The rule that is being rescinded has no impact on the public since deposits subject to the regulations are no longer being made. For that reason an opportunity for public comment on this action is unnecessary. Because there is no impact on the public there is also no need to publish this document 30 days before its effective date. Accordingly, good cause exists to make this action effective May 13, 1981.

**PART 105—DEPOSIT OF INDIAN FUNDS IN BANK [REMOVED]**

Part 105 of Title 25 of the Code of Federal Regulations is removed.

Date: April 17, 1981.

*James F. Canan,*

*Acting Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 81-14411 Filed 5-12-81; 8:45 am]

**BILLING CODE 4310-02-M**

**25 CFR Part 173****Leasing of Lands on Crow Indian Reservation, Montana, for Mining****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Rescission of rule.

**SUMMARY:** The Bureau of Indian Affairs is rescinding the special regulations governing mineral leasing on the Crow Indian Reservation. Mineral leasing on that reservation is already governed by the same regulations that apply to other Indian reservations. 25 CFR Part 171.

**EFFECTIVE DATE:** This action takes effect June 12, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Tim Vollmann, Office of the Solicitor, (202) 343-9331 or Tom Riggs, Bureau of Indian Affairs, (202) 343-3722.

**SUPPLEMENTARY INFORMATION:** The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9, and 396a-f, 5 U.S.C. 301, the Act of May 17, 1968, 82 Stat. 123, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8. Special regulations had been promulgated for leasing on the Crow Reservation because Congress had provided specific statutory authority for mineral leasing on that reservation in Section 6 of the Act of June 4, 1920, 41 Stat. 751, as amended by the Act of May 26, 1928, 44 Stat. 658. Those statutes authorized leasing for a maximum of ten years with a right of renewal for another ten years. However, as a result of two later amendments, the Act of September 16, 1959, 73 Stat. 565, and the Act of May 17, 1968, 82 Stat. 123, Congress authorized leasing under the provisions of the Act of May 11, 1938, 52 Stat. 347, 25 U.S.C. 396a-f. Under those amendments, Crow lands, like those on other reservations, may be leased for as long "as minerals are produced in paying quantities."

The only substantive difference between the Part 173 regulations governing leasing on the Crow Reservation and the Part 171 regulations governing leasing on other reservations is the permissible term of the lease. Since Congress removed that difference from the statutes, there is no longer any need to maintain separate regulations for the Crow Reservation.

Rescission of Part 173 was proposed as part of a complete revision of the regulations governing mineral leasing on Indian lands. 45 FR 53165 (August 11, 1980). Although other aspects of the

proposed revision of the regulations are still under review, the Department has decided to proceed now with the rescission of Part 173 since those regulations are no longer operational.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 95-354 and 43 CFR Part 14, 45 FR 85378.

**PART 173—LEASING OF LANDS ON CROW INDIAN RESERVATION, MONTANA, FOR MINING [REMOVED]**

Part 173 of Title 25 of the Code of Federal Regulations is removed.

Dated: April 17, 1981.

James F. Canan,

*Acting Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 81-14404 Filed 5-12-81: 8:45 am]

BILLING CODE 4310-02-M

**25 CFR Part 242****California Rancherias and Reservations—Distribution of Assets****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Rescission of rule.

**SUMMARY:** The Bureau of Indian Affairs is rescinding the regulations governing the distribution of assets of rancherias and reservations that were subject to termination in California. No further assets of the affected reservations and rancherias remain to be distributed. Consequently, these regulations are no longer necessary.

**EFFECTIVE DATE:** This action takes effect on May 13, 1981.

**FOR FURTHER INFORMATION CONTACT:** Norman Sahmaunt, Assistant to the Area Director, Sacramento Area Office, Bureau of Indian Affairs, Federal Building, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4506.

**SUPPLEMENTARY INFORMATION:** The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1147, 25 U.S.C. 2 and 9, 5 U.S.C. 301, Section 12 of the Act of August 18, 1958 (72 Stat. 619), as

amended by the Act of August 11, 1964 (78 Stat. 390) and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 95-354 and 43 CFR Part 14, 45 FR 85378.

Since the distributions of assets that were governed by these regulations no longer take place, rescission of these regulations has no impact on the public. For that reason an opportunity for public comment on this action is unnecessary. Because there is no impact on the public there is also no need to publish this document 30 days before its effective date.

Accordingly, good cause exists to make this action effective May 13, 1981.

**PART 242—CALIFORNIA RANCHERIAS AND RESERVATIONS—DISTRIBUTION OF ASSETS [REMOVED]**

Part 242 of Title 25 of the Code of Federal Regulations is removed.

Dated: April 17, 1981.

James F. Canan,

*Acting Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 81-14403 Filed 5-12-81: 8:45 am]

BILLING CODE 4310-02-M

**DEPARTMENT OF THE TREASURY  
Office of Foreign Assets Control****31 CFR Part 535****Iranian Assets Control Regulations; Clarification and Corrections****AGENCY:** Office of Foreign Assets Control, Treasury.**ACTION:** Final rule.

**SUMMARY:** The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are to make the substance of paragraph (c) of section 535.214, as published in the Federal Register on February 26, 1981, apply equally to

§§ 535.213, 535.214 and 535.215; to amend §§ 535.218 and 535.504 by adding an extension of certain licenses and clarifying provisions; to amend §§ 535.218 and 535.504 to nullify existing attachments and bar future attachments on standby letters of credit, performance bonds and similar obligations; and to correct a typographical error in item 25 of the amendments to the Regulations which appeared in the Federal Register on February 26, 1981.

The need for paragraph (c) in §§ 535.213 and 535.214 and a similar new paragraph (b) for § 535.215 is to exempt property or properties from the transfer requirements if they are subject to a pre-freeze attachment, injunction or other like proceeding or process. The need for the amendments of §§ 535.218 and 535.504 is to make clear that these sections apply to specified types of property and to nullify existing attachments and prohibit future attachments on standby letters of credit, performance bonds and similar obligations. The effects of the amendments are that the meaning of the sections is clarified, new controls are imposed, an extension of certain licenses for the operation of blocked accounts is given and certain errors in the text of the Regulations are corrected.

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

**FOR FURTHER INFORMATION CONTACT:**  
Raymond W. Konan, Chief Counsel,  
Office of Foreign Assets Control,  
Department of the Treasury,  
Washington, D.C. 20220, Tel. (202) 378-0236.

**SUPPLEMENTARY INFORMATION:** Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

31 CFR Part 535 is amended as follows:

1. With an identical paragraph (c), §§ 535.213 and 535.214 are revised to read as follows:

**§ 535.213 Direction involving property held by offices of banks in the United States in which Iran or an Iranian entity has an interest.**

(a) Any branch or office of a bank, which branch or office is located within the United States and is, on the effective date of this section, either (1) in

possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities or controlled entities, or (2) carrying on its books deposits standing to the credit of or beneficially owned by such government or its agencies, instrumentalities or controlled entities, is licensed, authorized, directed and compelled to transfer such funds, securities and deposits, held on January 19, 1981, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, as fiscal agent of the U.S., to be held or transferred as directed by the Secretary of the Treasury.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

(c) Any funds, securities or deposits subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

**§ 535.214 Direction involving other financial assets in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.**

(a) Any person subject to the jurisdiction of the United States which is not a banking institution and is on January 19, 1981, in possession or control of funds or securities of Iran or its agencies, instrumentalities or controlled entities is licensed, authorized, directed and compelled to transfer such funds or securities to the Federal Reserve Bank of New York, as fiscal agent of the U.S. to be held or transferred as directed by the Secretary of the Treasury. However, such funds and securities need not be transferred until any disputes (not relating to any attachment, injunction or similar order) as to the entitlement of Iran and its entities to them are resolved.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

(c) Any funds, securities or deposits subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

2. Section 535.215 is amended by designating the existing paragraph as (a) and by adding paragraph (b) to read as follows:

**§ 535.215 Direction involving other properties in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.**

(b) Any properties subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

3. Section 535.218 is amended by the revision of the section title and of paragraph (e) and the addition of new paragraphs (f) and (g) to read as follows:

**§ 535.218 Prohibitions and nullifications with respect to property described in §§ 535.211, 535.212, 535.213, 535.214 and 535.215 and standby letters of credit.**

(e) Paragraph (a) of this section does not revoke or withdraw specific licenses authorizing the operation of blocked accounts which were issued prior to January 19, 1981, and which do not relate to litigation. Such licenses shall be deemed to be revoked as of May 31, 1981, unless extended by general or specific license issued subsequent to February 26, 1981.

(f) The provisions of paragraphs (a), (b) and (c) of this section shall apply to contested and contingent liabilities and property interests of the Government of Iran, its agencies, instrumentalities or controlled entities, including debts.

(g) All existing attachments on standby letters of credit, performance bonds and similar obligations and on substitute blocked accounts established under § 535.568 relating to standby letters of credit, performance bonds and similar obligations are nullified and all future attachments on them are hereafter prohibited. All rights, powers and privileges relating to such attachments are nullified and all persons hereafter are barred from asserting or exercising any rights, powers or privileges derived therefrom.

4. Section 535.504 is amended by relettering existing paragraph (c) as (d); and by adding new paragraphs (c) and (e) to read as follows:

**§ 535.504 Certain judicial proceedings with respect to property of Iran or Iranian entities.**

(c) For purposes of this section, contested and contingent liabilities and property interests of the Government of Iran, its agencies, instrumentalities, or controlled entities, including debts, shall be deemed to be subject to § 535.215.

(e) Judicial proceedings to obtain attachments on standby letters of credit,

performance bonds or similar obligations and on substitute blocked accounts established under § 535.568 relating to standby letters of credit, performance bonds and similar obligations are not authorized or licensed.

5. Amendment No. 25 of the amendments to the Regulations published at 46 FR 14337 on February 26, 1981, is corrected by deleting § 535.332 in the list of revoked sections. There has never been a § 535.332. (Sec. 201-207, 91 Stat. 1628, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12278, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; E.O. No. 12283, 46 FR 7927, and E.O. No. 12294, 46 FR 14111.)

Dated: May 8, 1981.

Dennis M. O'Connell,  
Director.

Approved:

John P. Simpson,  
Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-14509 Filed 5-11-81; 2:30 pm]

BILLING CODE 4810-25-M

### 31 CFR Part 535

#### Iranian Assets Control Regulations; Reports on Close Relatives of Former Shah of Iran Served as Defendants in Litigation

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

**SUMMARY:** The Office of Foreign Assets Control is amending § 535.217 of the Iranian Assets Control Regulations and is adding a new § 535.619. The purpose of the amendment of § 535.217 is to identify Ashraf Pahlavi, sister of the former Shah of Iran, as a person who has been served as a defendant in litigation in a court within the United States brought by Iran seeking the return of property alleged to belong to Iran. The need for this amendment is to identify Ashraf Pahlavi as a person whose assets are subject to the blocking provisions of Executive Order 12284 of January 19, 1981 and § 535.217(a) of this part. The purpose of new § 535.619 is to impose a requirement that all persons having knowledge about the property of persons named in § 535.217(b) of this part must complete and file reports on Form TFR-619. Section 535.619 is needed to fulfill the obligation of the United States, pursuant to the agreements between the United States and Iran, to

report such information to the Government of Iran.

#### EFFECTIVE DATE: May 11, 1981.

**FOR FURTHER INFORMATION CONTACT:** Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0236.

**SUPPLEMENTARY INFORMATION:** Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.217 is amended by the addition of a paragraph (b) and the revision of paragraph (c). As amended, § 535.217 reads:

#### § 535.217 Blocking of property of the former Shah of Iran and of certain other Iranian nationals.

(a) For the purpose of protecting the rights of litigants in courts within the United States, all property and assets located in the United States in the control of the estate of Mohammad Reza Pahlavi, the former Shah of Iran, or any close relative of the former Shah served as a defendant in litigation in such courts brought by Iran seeking the return of property alleged to belong to Iran, is blocked as to each such estate or person, until all such litigation against such estate or person is finally terminated. This provision shall apply only to such estate or persons as to which Iran has furnished proof of service to the Office of Foreign Assets Control and which the Office has identified in paragraph (b) of this section.

(b) Ashraf Pahlavi, sister of Mohammad Reza Pahlavi, the former Shah of Iran May 11, 1981.

(c) The effective date of this section is January 19, 1981, except as otherwise specified after the name of a person identified in paragraph (b) of this section.

2. Section 535.619 is added to read as follows:

#### § 535.619 Reports on Form TFR-619.

(a) **Reporting requirements.** Within 30 days after publication in the Federal Register of the name of any person or

estate in § 535.217(b), the following persons who are subject to the jurisdiction of the United States shall file reports on Form TFR-619 with respect to their knowledge of the property of such person or estate at any time between November 3, 1979 and the date designated after the name of any person in § 535.217(b):

(1) Any person whose name is published for inclusion in § 535.217(b);

(2) Any person who has or had, from November 3, 1979 to the date of designation of the relevant person in § 535.217(b), actual or constructive possession or control, directly or indirectly, in trust or otherwise, of property in which there was any direct or indirect interest of any person listed in § 535.217(b) of the Regulations;

(3) Any business or non-business entity in the United States in which any person listed in § 535.217(b) of the Regulations held any financial interest at any time between November 3, 1979 and the date of designation of the relevant person in § 535.217(b);

(4) Any person having knowledge of property or assets of a person listed in § 535.217(b) of the Regulations, by reason of a business relationship with such property;

(5) Any person having actual knowledge of property of a person named in § 535.217(b) because of a personal relationship with the named person; and

(6) Any agency of the United States Government which has in any of its official financial books and records any information which serves to identify any property or assets of a person listed in § 535.217(b) of the Regulations.

(b) **What must be reported.** Form TFR-619 reports shall include the information specified in the form with respect to any interest of any nature whatsoever that a person named in § 535.217(b) had in any property subject to the jurisdiction of the United States between November 3, 1979, and the date of any designation of the relevant person in § 535.217(b). The term "property" is defined in § 535.311 of this part.

(c) **Filing Form TFR-619.** Reports on Forms TFR-619 shall be prepared in triplicate, two copies of which shall be sent in a set to Unit 619, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy is to be retained for the reporter's records.

(d) **Certification.** Every reporter is required to complete the certification portion of Form TFR-619. Failure to complete the certification shall render the report ineffective and the

submission shall not constitute compliance with this section.

(Authority: Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. 12211, 45 FR 26005; E.O. 12284, 46 FR 7929.)

Dated: May 8, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

**Note.**—Form TFR-619 will not appear in the Code of Federal Regulations.

**Census of Property of Persons Served as Defendants in Litigation Brought by Iran Seeking Return of Property Alleged to Belong to Iran; Instructions for Reporting on Form TFR-619**

*Introduction*

The Office of Foreign Assets Control, Department of the Treasury, under § 535.619 of the Iranian Assets Control Regulations, 31 CFR Part 535 ("the Regulations"), is conducting a census on Form TFR-619 of all property and assets in the United States of persons served as defendants in litigation in courts within the United States brought by Iran seeking the return of property alleged to belong to Iran and whose names are listed in § 535.217(b) of the Regulations.

Reports are required to be filed by all persons subject to U.S. jurisdiction who have actual or constructive possession of any such property or who have a business relationship with such property or a personal relationship with such listed person by reason of which such persons have knowledge concerning the property. The information to be reported is needed by the United States Government to implement the agreements between the United States and Iran. Pursuant to the agreements, such information will be reported to the Government of Iran.

Each question on the form must be answered and all the specific information called for must be given. When there is nothing to report under any question, or if information is lacking, state "No," "None," or "Unknown," as the case may be. If the space provided on the form for answers is not adequate, the answer may be made or continued on a blank sheet of paper securely attached to the form.

**Deadline:** Reports are required to be filed within 30 days of the publication in § 535.217(b) of the Regulations of the name of the estate of the former Shah of Iran or of any close relative of the former Shah. No extensions will be granted.

This form is to be completed in triplicate and two copies must be returned in a set to Unit 619, Office of Foreign Assets Control, Washington, D.C. 20220 by the deadline.

**FOR FURTHER INFORMATION CONTACT:**  
Unit 619, phone (202) 376-0968.

**Part I—General Instructions**

*A. Reporting Requirements*

**1. Who must report.** Reports on Form TFR-619 must be filed by each of the following persons who are subject to the jurisdiction of the United States:

a. Any person whose name is published for inclusion in § 535.217(b);

b. Any person who has or had, from November 3, 1979 to the date of any designation of the relevant person in § 535.217(b), actual or constructive possession or control, directly or indirectly, in trust or otherwise, of property in which there was any direct or indirect interest of any person listed in § 535.217(b) of the Regulations;

c. Any business or non-business entity in the United States in which any person listed in § 535.217(b) of the Regulations held any financial interest at any time between November 3, 1979 and the date of designation of the relevant person in § 535.217(b);

d. Any person having knowledge of property or assets of a person listed in § 535.217(b) of the Regulations, by reason of a business relationship with such property;

e. Any person having actual knowledge of property of a person named in § 535.217(b) because of a personal relationship with the named person; and

f. Any agency of the United States Government which has in any of its official financial books and records any information which serves to identify any property of a person listed in § 535.217(b) of the Regulations.

**2. What must be reported.** Property within the United States within the control of or in which there was any direct or indirect interest, at any time from November 3, 1979 to the date of designation of the relevant person in § 535.217(b), of a person whose name is listed in § 535.217(b) of the Regulations.

**3. Primary responsibility for reporting.** Primary responsibility for reporting rests on the actual holder of the property or, in the case of a trustee, with the trustee. A report may be filed on behalf of a holder by an attorney, agent or other person. However, the pertinent information regarding the person holding the property must be included in Part A. No person is excused from filing Form TFR-619 by reason of the fact that another person has

submitted a report with regard to the same property, unless he has actual knowledge that the other person has filed a report as full and complete as he would otherwise be required to file.

**4. Obtaining Form TFR-619.** Copies of Form TFR-619 with reporting instructions are available at each of the regional Federal Reserve Banks. Copies of Form TFR-619 and the reporting instructions may also be obtained from the Office of Foreign Assets Control, Unit 619, Department of the Treasury, Washington, D.C. 20220 (202) 376-0968.

**5. Filing Form TFR-619.** Reports on Form TFR-619 shall be prepared in triplicate. Two copies shall be sent in a set to Unit 619, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. A copy shall be retained for the reporter's records.

**6. Certification.** Every report filed on Form TFR-619 must be certified in Part F of the form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with the reporting requirements of § 535.619 of the Regulations.

**7. Penalties.** Reporting on Form TFR-619 is mandatory under section 535.619 of the Iranian Assets Control Regulations for persons who are subject to the reporting requirements. In this regard, section 206 of the International Emergency Economic Powers Act provides as follows:

*Penalties*

**Sec. 206. (a)** A civil penalty of not to exceed \$10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

**(b)** Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

*B. Definitions*

The definitions below shall be used for the purpose of reporting on Form TFR-619. Any reference to "the Regulations" in these instructions or in Form TFR-619 shall refer to the Iranian Assets Control Regulations (31 CFR Part 535), and any term not defined in these instructions shall have the meaning ascribed to it in the Regulations.

**1. Person.** Any individual, partnership, association, corporation or other organization.

**2. Person subject to the jurisdiction of the United States.**

The term "person subject to the jurisdiction of the United States" includes:

(a) Any person wheresoever located who is a citizen or resident of the United States;

(b) Any person actually within the United States;

(c) Any corporation organized under the laws of the United States or of any state, territory, possession or district of the United States; and

(d) Any partnership, association, corporation or other organization wheresoever organized or doing business which is owned or controlled by persons specified in (a), (b), or (c) above.

**3. Financial interest.**

Any right or claim to ownership or control, or participation in ownership or control, or other financial interest including:

(a) Any shares or stock of any business or non-business entity;

(b) Any profits or income derived from shares of stock;

(c) Any bonds, debentures, notes or other funded obligations of any business or non-business entity;

(d) Any other outstanding securities of any business or non-business entity; and

(e) Any other right or claim with respect to any trust or similar obligation.

**4. Property: property interest.** The terms "property" and "property interest" shall, for purposes of reporting on Form TFR-619, include, but not be limited to, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, and other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and interest therein, leaseholds, ground rents, options, negotiable instruments, letters of credit, trade acceptances, royalties, book accounts, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal or mixed, tangible or intangible, or interest or

interests therein, present, future or contingent.

**5. Interest.** Any interest of any nature whatsoever, direct or indirect.

**C. Valuation Principles**

1. Where valuation is called for, the following table may be used as a guide.

*Examples of property types—Principal*

Checks, drafts, acceptances and notes—Face or estimated value.

Commodities, including gold and other metals—Market value.

Currency and coin—Face value.

Debts, claims and demands—Balance of the account.

Foreign exchange futures—Difference between market price of currency and price specified in contract.

Franchises and concessions—Market value.

Goods, merchandise or other personal property—Market value.

Land, buildings and mortgages on real estate—Market value.

Letters of credit—Available amount.

Royalties, gas and oil—Capitalized value.

Securities—Market value.

All amounts reported should be given in dollars to the nearest dollar.

2. **Valuation date.** Values shall be given as of the close of business on the relevant reporting date.

3. **Market or estimated value.** Where market value is required, enter the market price at the close of business on the date of designation of the relevant person in section 535.217(b), or if such price is not available, the estimated value on that date. In estimating value, the last sale price or bid, if reasonably close to the relevant reporting date, may be used as a basis.

4. **Value expressed in foreign currency.** Property valued in a foreign currency, or which is to be paid or liquidated in a foreign currency, shall be valued in dollars. If dollar market value does not exist, the foreign currency value thereof shall be converted into a dollar value in accordance with the latest rate before the relevant reporting date, as generally quoted by foreign exchange dealers or other recognized sources of information. In no case shall a value expressed in a foreign currency be entered in the report, but the fact that property was originally valued in a foreign currency should be indicated in Part D.

5. **Property of indeterminable value.** In reporting property of indeterminable value, enter "IN" in the space opposite the appropriate property type and describe the property briefly in Part D. When both property of determinable value and property of indeterminable value are to be reported under any one property type, only the determinable value should be reported. However, in

response to Part D, both kinds of property should be described and the property of indeterminable value should be so described.

**Part II—Specific Instructions**

**Part A—Person Reporting Property**

Line 1. Give the reporter's name.

Line 2. Give the reporter's address.

Line 3. State whether reporter has actual or constructive possession of property reported. If not, state relationship to property reported.

Line 4. Check the appropriate description of reporter.

**Part B—Information Concerning Person Whose Property is Reported**

Line 1. Report the name(s) as it appears on your records. Include any variant name(s), if known.

Line 2. Address.

**Part C—Schedule of Property Required to be Reported**

Be sure the same property is not reported on more than one line. Holders must report the amount held on November 3, 1979, in column (1) and the amount held as of the date designated after the name of the relevant person in § 535.217(b) in column (2). If property to be reported was acquired subsequent to November 3, 1979 or knowledge of said property was acquired subsequent to November 3, 1979, report the amount in column (1) and specify the acquisition date. **IMPORTANT:** Be certain to report in column (1) of Part C the *full* amount of any property held on November 3, 1979, regardless of any subsequent transfer of the property in whole or in part and regardless of whether any property is held currently. Be certain to report in column (2) the full amount of any property held on the date of the designation of the relevant person indicated in § 535.217(b), notwithstanding any adverse claim against the property described in Part E.

Line 11. Explain the disposition of any property held on November 3, 1979 which was no longer held, on the date of the designation of the relevant person in section 535.217(b), e.g. "Telex transfer by order of X Bank to Account No. 123456789 at Y Bank, dated December 14, 1979.

**Part D—Additional Description of Property Items**

Line 1. Briefly describe the property the value of which has been set forth in Part C. Breakdowns in specific property items and detailed descriptions are unnecessary. Property may be described in some general but reasonable manner. Tangible property should be more

thoroughly described than financial items, which are more self-explanatory. Enter in the "Type" column the appropriate line number from Part C indicating the type of property.

Line 2. State location of the reported asset if different than the address of the reporter.

Line 3. State your knowledge of safes, safe-deposit boxes, or other receptacles for property in which the person described in Part B has any interest or right of access.

#### Part E—Claims Against Property Reported

Line 1. (a through c). Give description and amount of claim as well as name, address and citizenship of the adverse claimant.

Line 2. (a through c). If any person other than the person reported in Part B has an interest in the property being reported (such as those of heirs of deceased decedent's estates, or beneficiaries of blocked insurance policies), state nature and extent or amount of such interest. Also give name and citizenship of such person or persons.

#### Part F—Certification

Be certain not to omit the required certification. The report is not valid without certification.

Form TFR-619

#### Census of Properties of Persons Served as Defendants in Litigation Brought by Iran Seeking Return of Property Alleged to Belong to Iran

Office of Foreign Assets Control, Unit 619, Department of the Treasury, Washington, D.C. 20220

Deadline: This form is to be completed and returned to the above address by

Form TFR-619 is to be used by all persons required to file reports pursuant to section 535.619 of Title 31 of the Code of Federal Regulations. Before preparing this report read the instructions carefully. Information reported will be used by the United States Government to implement agreements between the United States and Iran, and certain identifying information derived from the results will be provided to the Government of Iran.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.619 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

#### Part A—Person Reporting Property (see instructions)

1. Name \_\_\_\_\_  
2. Address—Street \_\_\_\_\_  
City and State \_\_\_\_\_  
Foreign country \_\_\_\_\_

3. State whether reporter has actual or constructive possession of property reported. If not, state relationship to property reported. \_\_\_\_\_

(Check one)

4. Type of reporter:  
Bank \_\_\_\_\_ [ ] B  
Broker or securities dealer \_\_\_\_\_ [ ] S  
Trustee/Fiduciary Agent \_\_\_\_\_ [ ] T  
Other business firm \_\_\_\_\_ [ ] O  
Individual \_\_\_\_\_ [ ] I  
U.S. Government agency \_\_\_\_\_ [ ] G  
Other (explain) \_\_\_\_\_ [ ] U

#### Part B—Information Concerning Person Whose Property Is Reported (see specific instructions)

1. Name \_\_\_\_\_  
Any variant name \_\_\_\_\_  
2. Address \_\_\_\_\_

#### Part C—Schedule of Property Required To Be Reported (see specific instructions)

Type of property	(Enter value in whole dollars)	
	(1) Amount	(2) Amount
	As of 11/3/79 or —/—/— (Specify)	As of date of designation in section 535.217(b)

1. Deposits:  
a. Time \_\_\_\_\_  
b. Demand \_\_\_\_\_  
2. Bullion, currency and coin \_\_\_\_\_  
3. Notes, checks, drafts, acceptances, commercial paper, etc. \_\_\_\_\_  
4. Debts \_\_\_\_\_  
5. Financial securities payable in dollars \_\_\_\_\_  
6. Financial securities payable in other currencies \_\_\_\_\_  
7. Direct investment in U.S. businesses \_\_\_\_\_  
8. Real estate \_\_\_\_\_  
9. Personal property \_\_\_\_\_  
10. Miscellaneous \_\_\_\_\_

Total (1 through 10) \_\_\_\_\_

11. If amount in column (2) differs from amount in column (1) for any line above, explain increase or decrease including identifying information (i.e., name, address, account number) regarding person or account to which property was transferred.

#### Part D—Additional Description of Property Items

Type (see part C)	Brief description of property
1. _____	_____
2. _____	_____
3. _____	_____

2. If the property described in this report is located at a place other than the address of the reporter, specify name and address of custodian of the property and location of the property. \_\_\_\_\_

3. To your knowledge does the estate or person whose property is being reported have, or have use of, or access to, any safe, safe deposit box, or other receptacle for the property? [ ] Yes [ ] No

If the answer is "Yes" and the contents of such safe, box, etc., have not been included in this report, explain why not. \_\_\_\_\_

#### Part E—Claims Against Property Reported

1. Describe any adverse claims, including any legal actions or proceedings whatsoever, asserted or existing against, or with respect to, any property reported. With respect to such claims give the following information:

- Description of the claim \_\_\_\_\_
- Amount of the adverse claim \$ \_\_\_\_\_
- Name, address and citizenship of the adverse claimant \_\_\_\_\_

2. If any other person has an interest in the property being reported, state the following information:

- Nature of the interest \_\_\_\_\_
- Extent or amount of such interest \_\_\_\_\_
- Name and citizenship of such person \_\_\_\_\_

#### Part F—Certification

I, (type or print name) \_\_\_\_\_, certify that to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.

Date \_\_\_\_\_  
Signature \_\_\_\_\_  
Address—Street \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_

Person to contact regarding this report:

Name \_\_\_\_\_  
Telephone Number \_\_\_\_\_

[FR Doc. 81-14510 Filed 5-11-81: 3:40 pm]

BILLING CODE 4810-25-M

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### 32 CFR Part 299

#### National Security Agency; Public Access to Records

AGENCY: National Security Agency.

ACTION: Final rule.

SUMMARY: The National Security Agency is amending its rules regarding public access to records (32 CFR Part 299) to:

(1) Reflect the new titles for two offices within the agency,

(2) Expand the time limit for submission of fee waiver appeals from 30 to 45 days following receipt of a denial of waiver, and

(3) Require payment of one-half of the estimated fees prior to initiation of the search by the agency.

**EFFECTIVE DATE:** June 12, 1981.

**FOR FURTHER INFORMATION CONTACT:** LCDMR M. E. Bowman, JACG, USN, Office of the General Counsel, National Security Agency, Fort George C. Meade, MD 20755, Telephone: (301) 688-6054.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 81-6031 appearing at 46 FR 13526, February 23, 1981, these changes to 32 CFR Part 299 were published as proposed rule changes. As no public comments were received, these changes are adopted as proposed.

Accordingly Part 299 of Title 32, Code of Federal Regulations is amended as follows:

**§ 299.2 and 299.4 [Nomenclature change]**

32 CFR Part 299 is amended by removing the words "Information Officer" and inserting in their place, the words "Chief, Office of Policy" in the following places:

(a) 32 CFR 299.2.

(b) 32 CFR 299.4(a), (b) and (c).

**§ 299.4 [Amended]**

32 CFR 299.4(d) is revised to read as follows:

(d) **Fees.** The Chief, Office of Policy, will inform the requester of the estimated search and duplication fee, and will normally initiate the search upon receipt of one-half of this estimated fee. Upon completion of the search, the requester will be notified of the actual costs and will be requested to submit the balance due prior to further Agency action. Fees will be computed in accordance with the Uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

**§ 299.5 [Nomenclature change]**

32 CFR 299.5 is amended by removing the words "within 30 days" and inserting, in their place, the words "within 45 days"; removing the words "Executive for Staff Services" and inserting, in their place throughout the section, the words "Freedom of Information Act Appeals Authority"; removing the phrase " \* \* \* of access

issued by the Agency to the requester \* \* \*".

32 CFR 299.6 is revised to read as follows:

**§ 299.6 Effective date.**

"This notice shall become effective upon [date of final rule publication in the *Federal Register*]."

M. S. Healy,

*Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.*

May 8, 1981.

[FR Doc. 81-14405 Filed 5-12-81; 8:45 am]

**BILLING CODE 3810-70-M**

Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

**Regulatory Flexibility Act/Executive Order 12291 Certifications**

The Administrator of Veterans Affairs hereby certifies that these final regulations, which will change the maximum interest rates for VA guaranteed, insured, and direct loans for homes and condominiums and for energy conservation and home improvement loans, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612. The Regulatory Flexibility Act provides that for purposes of the Act, " \* \* \* the term 'rule' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title, or any other law.

\*\* \* 5 U.S.C. 601(2). Similarly, the Act provides that "When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis." 5 U.S.C. 604(a). Two provisions in section 553 of title 5, United States Code gives a legal basis for exempting these regulatory amendments from the requirement that they be published for general notice in the *Federal Register*. Additionally, there is no other law requiring that the regulations be so published.

Consequently, the regulations are exempt from the provisions of the Regulatory Flexibility Act.

Subsection (a)(2) of section 553 provides that

(a) This section applies according to the provisions thereof, except to the extent that there is involved—

(2) A matter relating to agency management or personnel or to public property, loans, grants, benefits, or

**VETERANS ADMINISTRATION**

**38 CFR Part 36**

**Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums, and for Home Improvement Purposes**

**AGENCY:** Veterans Administration.

**ACTION:** Final Regulations.

**SUMMARY:** The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvements loans. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rates will assure a continuing supply of funds for home mortgages and improvement purposes.

**EFFECTIVE DATE:** May 8, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202-389-3042).

**SUPPLEMENTARY INFORMATION:** The Administrator is required to establish a maximum interest rate for home and condominium loans and energy conservation and home improvement loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National

contracts." These regulations, which change interest rates, are matters relating to VA benefits and are, thus, exempt from provisions of section 553.

Subsection (b)(3)(B) of section 553 provides that unless required by statute, notice is not required "(B) when the agency for good cause finds (and incorporates the findings and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans and loans for energy conservation and other home improvement purposes would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Accordingly, it has long been the position of the Veterans Administration that notice and public procedure prior to final adoption of the regulation would be contrary to public interest. For the foregoing reasons, these regulatory amendments are also exempt from 38 CFR 1.12. Finally, 38 U.S.C. 1803(c)(1), the section which mandates that the Administrator of Veterans Affairs shall establish the rate of interest, does not require that any change in the rate be published for notice in the *Federal Register*.

Even though the Regulatory Flexibility Act does not apply to these particular regulations, I further certify that the regulations will not have significant economic impact on a substantial number of small entities, as those terms are defined in that Act. Therefore, these regulations are exempt from the regulatory analysis requirements of the Act.

The reasons for this certification are that changes in the VA interest rates are mandated by 38 U.S.C. 1803(c)(1) to assure veterans available funding for VA guaranteed loans while assuring the lowest reasonable cost to veterans for their loans. Interest rate changes do not impact upon small Government jurisdictions or upon small organizations. Small businesses, including small lending companies, small real estate firms, small developers, and small contractors, participate in the VA home loan program. Interest rate amendments require no additional recordkeeping on loans closed at the new effective rate. On guaranteed loans on which a commitment has been previously issued but the loan has not closed, the lender must obtain the veteran's written authorization to close

at the higher rate. This one time reporting requirement does not have a significant economic impact upon small businesses.

Interest rate amendments are necessary because of fluctuations in the cost of mortgage funds in the secondary market. These fluctuations affect all lenders regardless of size. When mortgage funds become more restrictive, investors in the secondary market demand a greater return on their investment. Since the VA interest rate is set at a maximum, investors purchase loans at a discount from lenders originating loans, thereby increasing the effective yield on their investment. This discounting of loans on the secondary market means that the lender must pass this cost on home and condominium loans through to the home seller or builder in the form of a charge generally termed points or discount points. As the money market becomes more restrictive, the cost of funds or the discount charged the home seller or home developer increases to high levels. By increasing the interest rate, investors may lower the discount points charged to sellers or developers and still maintain the necessary yield for secondary market investors. The interest rate increases should thereby aid developers, particularly small developers, who may be unable to absorb excessive discount points. Lenders may also find it easier to obtain funding for VA guaranteed loans which should benefit the small lender. The increase in the rate for home improvement loans should likewise have a beneficial impact upon small contractors participating in the program by increasing the availability of loan funds. It should be noted that the increased VA maximum rates are optional, not mandatory; lenders are free to close at any rate up to the new maximum. We therefore believe that these amendments to the VA regulations will have no compliance costs and minimal reporting burdens upon small businesses. Not only should the amendments cause no disproportionate adverse impacts upon small entities, but they should not cause a significant economic impact on any entities, large or small. For all the foregoing reasons, we have concluded that the amendments increasing the guaranteed home, condominium and home improvement interest rates are nonsignificant regulations with respect to the Act, and no final regulatory flexibility analysis is required.

Concerning direct loans, increases in the interest rates charged on direct loans are mandated by 38 U.S.C. 1811(d)(1) which requires that the rate

for VA direct loans must be set at a rate not to exceed the guaranteed loan rate. Since the VA is the lender on direct loans, and the VA charges no discount points to sellers or developers participating in the program, the increase in the interest rate for VA direct loans should have no economic impact upon any small entity. The increase in the direct loan interest rate therefore is a nonsignificant regulation with respect to the Act, and no final regulatory flexibility analysis is required.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market. These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311 and 36.4503(a), Title 38, Code of Federal Regulations.

Approved: May 8, 1981.

Rufus H. Wilson,  
*Acting Administrator.*

1. In § 36.4311, paragraphs (a) and (b) are revised to read as follows:

**§ 36.4311 Interest rates.**

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 15½ per centum per annum, effective May 8, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 15½ per

centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective May 8, 1981, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 17 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

2. In § 36.4503, paragraph (a) is revised to read as follows:

**§ 36.4503 Amount and amortization.**

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ration to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans administration shall bear interest at the rate of 15½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 17 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

(38 U.S.C. 210(c), 1803(c), 1811(d))

[FR Doc. 81-14358 Filed 5-12-81; 8:45 am]

BILLING CODE 8320-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[A-1-FRL-1816-6]

**Approval and Promulgation of Implementation Plans; Connecticut: Receipt of Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of receipt of submittal to satisfy conditions of plan approval.

**SUMMARY:** This notice is to announce the receipt of a State Implementation Plan (SIP) revision for Connecticut, concerning the attainment portion of the SIP as required under Part D of the Clean Air Act and in response to the notice of final rulemaking published in the *Federal Register* on December 23, 1980 (45 FR 84769). This material is available for public review and comment.

**ADDRESSES:** Copies of the Connecticut SIP revision are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, CT 06115.

**FOR FURTHER INFORMATION CONTACT:** Harley Laing, Chief, Air Branch, Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

**SUPPLEMENTARY INFORMATION:** In the Approval and Promulgation of the Connecticut SIP revisions published on December 23, 1980 (45 FR 84769), EPA conditionally approved the plans for Stationary Source Control of Volatile Organic Compounds (VOCs), provided the State would submit additional regulations concerning cutback asphalt and degreasers, in order to bring controls for these categories in line with EPA-recommended controls. These revisions had been submitted to comply with the plan requirements for nonattainment areas specified in Part D of the Clean Air Act.

EPA received a revision package in response to these conditions on January 9, 1981. This submittal also contained revisions affecting the New Source Review Program and the ambient air quality standards. The conditional approval of the Connecticut SIP will be continued until EPA reviews the State's submittal and final action is published in the *Federal Register*.

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

Dated: April 16, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-14359 Filed 5-12-81; 8:45 am]

BILLING CODE 8560-38-M

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Ch. 1**

[FPR Temp. Reg. 60]

**Wage and Price Standards for Federal Contractors**

**AGENCY:** General Services Administration.

**ACTION:** Temporary regulation.

**SUMMARY:** This regulation cancels Temporary Regulation 56, which deals with the application of a program of voluntary wage and price standards to Federal contracts. The basis for the cancellation is an Office of Federal Procurement Policy (OFPP) memorandum dated February 5, 1981, rescinding OFPP Policy Letter 78-6, which had established policies implementing the program. The intended effect is to rescind all policies pertaining to the wage and price standards for Federal contractors.

**DATES:** Effective date: May 8, 1981. Expiration date: This regulation will continue in effect until September 30, 1981. However, its expiration does not revive Temporary Regulation 56.

**FOR FURTHER INFORMATION CONTACT:** Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

(Sec. 205(c), 83 Stat. 390; 40 U.S.C. 486(c))

FPR Temporary Regulation 56 (45 FR 49262, July 24, 1980) is cancelled and removed from the appendix at the end of 41 CFR Chapter 1. In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter to read as follows:

General Services Administration, Washington, D.C. May 8, 1981.

**Federal Procurement Regulations—Temporary Regulation 60**

To: Heads of Federal agencies.

Subject: Wage and price standards for Federal contractors.

1. **Purpose.** This regulation cancels Temporary Regulation 56 which deals with the application of a program of voluntary wage and price standards to Federal contracts.

2. **Effective date.** This regulation is effective May 8, 1981.

3. **Expiration date.** This regulation expires on September 30, 1981.

4. **Background.**

a. Temporary Regulation 56 required agencies to comply with Office of Federal Procurement Policy (OFPP) Letter 78-6. The letter implemented the President's anti-inflation program by requiring that Federal contractors comply with the voluntary wage and price standards. OFPP Policy Letter 78-6 was issued under the authority of Executive Order 12092, dated November 1, 1978.

b. Policy Letter 78-6 required contractors and first-tier subcontractors to certify their compliance with the wage and price standards in connection with any prime contract or first-tier subcontract expected to exceed \$5 million. It also provided that any companies listed by the Council on Wage and Price Stability (CWPS) as noncompliant would not be eligible for prime contract or first-tier subcontract awards over \$5 million.

c. Executive Order 12288, dated January 29, 1981, revoked Executive Order 12092. On February 5, 1981, OFPP rescinded Policy Letter 78-6.

*5. Agency action.*

a. When awards have not been made, the wage and price standards certification and contract clause should be deleted.

b. In the case of uncompleted contracts that contain the certification clause, the practical effect of the revocation of Executive Order 12092 and Policy Letter 78-6 is to make the clauses meaningless. However, agencies may delete the clause from existing contracts or inform prime contractors that compliance with the provisions of the clause is no longer required.

*6. Effect on other directives.* Temporary Regulation 56 is canceled.

Ray Kline,

*Acting Administrator of General Services.*

[FR Doc. 81-14412 Filed 5-12-81; 8:45 am]

BILLING CODE 6820-61-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 81, and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

#### Inland Waterways Communications System, Automated VHF Common Carrier Systems, and VHF Frequency Assignments to the Maritime Radio Services; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, correction and clarifying amendments.

**SUMMARY:** This document amends the Commission's rules and corrects a final rule published March 9, 1981 (46 FR 15690) providing a frequency allocation in the 216-220 MHz band for automated, interconnected riverwide maritime communications systems on the Mississippi River and connecting waterways. This action is necessary to clarify the new rules and correct editorial errors.

**EFFECTIVE DATE:** April 29, 1981.

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

#### FOR FURTHER INFORMATION CONTACT:

Robert McNamara or Robert DeYoung, Private Radio Bureau, (202) 632-7175. Robert Eckert, Office of Science and Technology, (202) 653-8109.

#### SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2, 81, and 83 of the Commission's rules to allocate spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and connecting waterways and,

Maritime Mobile Radio Services: improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers Areas and on the coastlines of the contiguous states.

Released: April 29, 1981.

1. In the Report and Order in the above-captioned proceeding released March 11, 1981, and published in the *Federal Register* March 9, 1981 (46 FR 15690) several corrections and amendments to the Commission's rules are needed for purposes of clarification.

#### § 81.3 [Amended]

2. In 47 CFR 81.3, paragraph (j) is amended by adding the words "or in the band 216-220 MHz" to the end of the paragraph.

3. In 47 CFR 83.315 a new paragraph (f) is added to read as follows:

#### § 83.315 Authorized frequencies.

(f) Section 83.1105 sets forth the frequencies available to ship stations authorized to participate in an Inland Waterways Communications System.

4. In 47 CFR 83.351 the table in paragraph (a) is amended and new subparagraph (b)(11) is added to read as follows:

#### § 83.351 Frequencies available.

(a) \* \* \*

Carrier frequency (MHz)	Conditions of use	
	Section	Limitations
216-220MHz	83.1105	11

(b) \* \* \*

(11) Available for use by ship stations authorized to participate in an Inland Waterways Communications System.

#### §§ 83.900, 83.903, and 83.905

[Renumbered §§ 83.1100, 83.1103, and 83.1105]

5. On page 15703 (March 9, 1981), 47 CFR 83.900, 83.903 and 83.905 are renumbered 83.1100, 83.1103 and 83.1105, respectively.

#### § 83.900 (New 83.1100) [Amended]

6. On page 15703, in 47 CFR 83.900 (new 83.1100) the word "middle" in the second sentence is removed.

7. On page 15700, a new US footnote protecting an existing Government system was inadvertently removed from the Table of Frequency Allocations. Therefore, in 47 CFR 2.106 the footnote designator "US229" is added in Column

6 in the band 216-220 MHz, and new US footnote 229 is added to read as follows:

#### § 2.106 Table of frequency allocations.

US229 Assignments to stations in the Maritime Mobile Service may be made on the condition that no harmful interference is caused to the Navy SPASUR system currently operating in the southern United States in the frequency band 216.88-217.08 MHz.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[PR Doc. 81-14472 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

### [BC Docket No. 80-521; RM-521]

#### FM Broadcast Stations in Tucson and Nogales, Ariz.; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This action assigns noncommercial educational Channel 219A to Tucson, Arizona, as that community's second noncommercial FM assignment, and substitutes Channel 217A at Nogales, Arizona, for Channel 217C. This action is taken in response to a petition filed by the Foundation for Creative Broadcasting, Inc.

**EFFECTIVE DATE:** June 30, 1981.

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

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

#### SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.504(a), Table of Assignments, FM Broadcast Stations (Tucson and Nogales, Arizona). BC Docket No. 80-521, RM-3585. Report and order (Proceeding Terminated).

Adopted: May 1, 1981.

Released: May 7, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is the *Notice of Proposed Rule Making*, 45 FR 58610, published September 4, 1980, proposing the assignment of noncommercial educational Channel 219A to Tucson, Arizona, and to amend the assignment of unused Channel 217C in Nogales,

Arizona, to Channel 217A.<sup>1</sup> The petition was filed by the Foundation for Creative Broadcasting, Inc. ("petitioner"). Petitioner filed comments in which it reaffirmed its interest in the assignment to Tucson, and stated that it would apply for the channel if assigned. Comments in support of the assignment were also filed by Jim Anderson, a resident of Tucson. No oppositions were received.

2. Tucson (pop. 290,661),<sup>2</sup> in Pima County (pop. 351,667), is located in southeastern Arizona, approximately 100 kilometers (60 miles) north of the Mexican border. Station KUAT-FM (Channel 213), licensed to the University of Arizona Board of Regents, is the only noncommercial educational station presently serving Tucson.

3. Petitioner has submitted persuasive information with respect to Tucson and its need for a second noncommercial educational assignment. Therefore, the Commission believes it would be in the public interest to assign FM Channel 219A to Tucson, and substitute Channel 217A for unoccupied Channel 217C at Nogales.<sup>3</sup> No interest in the Nogales Class C channel was expressed.

4. Mexican concurrence in the assignments has been obtained.

5. Accordingly, it is ordered, That effective June 30, 1981, the FM Table of Assignments, Section 73.504(a) of the Commission's Rules, is amended with respect to the listed communities as follows:

City	Channel No.
Nogales, Arizona	217A
Tucson, Arizona	213, 219A

<sup>1</sup> Generally, noncommercial educational FM channels are not assigned to communities in the Table of Assignments. Rather, Channels 201 through 220 are reserved for use by noncommercial educational stations and may be applied for on a demand basis. However, within 320 kilometers (199 miles) of the Mexico-United States border, only noncommercial FM channels assigned to communities in the Noncommercial Educational Table of Assignments may be applied for. See Section 73.504 of the Commission's Rules.

<sup>2</sup> Population figures are taken from the 1970 U.S. Census.

<sup>3</sup> The Nogales change is necessary to comply with the mileage separation requirements.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission,  
Henry L. Baumann,  
Chief, Policy and Rules Division, Broadcast Bureau.

[FRC Doc. 81-14450 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[BC Docket No. 80-504; RM-3578]

#### FM Broadcast Station In Wray, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This action assigns FM Channel 252A to Wray, Colorado, as that community's first FM assignment, at the request of KRDZ Broadcasters, Inc.

**EFFECTIVE DATE:** June 30, 1981.

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

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

#### SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wray, Colorado), BC Docket No. 80-504, RM-3578. Report and order (Proceeding Terminated).

Adopted: May 1, 1981.

Released: May 8, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 55237, published August 19, 1980, proposing the assignment of FM Channel 252A to Wray, Colorado, as that community's

first FM assignment, at the request of KRDZ Broadcasters, Inc. ("petitioner"). Petitioner filed comments in which it restated its intent to apply for the channel if assigned. Petitioner also included in its comments economic data about the community as requested in the Commission's *Notice*. No oppositions to the proposal were received.

2. Wray (pop. 1,953),<sup>1</sup> the seat of Yuma County (pop. 8,544), is located in northeastern Colorado, approximately 240 kilometers (190 miles) east-northeast of Denver. Wray is currently served locally by daytime-only AM Station KRDZ, which is licensed to petitioner.

3. Petitioner has submitted persuasive information with regard to Wray and its need for a first FM assignment.

4. The Commission believes it would be in the public interest to assign FM Channel 252A to Wray, Colorado. Interest has been shown for its use and the assignment would provide the community with its first FM and local aural nighttime service.

5. Accordingly, it is ordered, That effective June 30, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to Wray, Colorado, as follows:

City	Channel No.
Wray, Colorado	252A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding contact, Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,  
Chief, Policy and Rules Division, Broadcast Bureau.

[FRC Doc. 81-14279 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

<sup>1</sup> Population figures are taken from the 1970 U.S. Census.

# Proposed Rules

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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### 1CFR Part 305

#### Separation of Functions in Agency Proceedings; Draft Recommendations

**AGENCY:** Administrative Conference of the United States.

**ACTION:** Request for public comment on draft recommendation.

**SUMMARY:** The Administrative Conference's Committee on Agency Decisional Processes has under consideration draft recommendations on separation of functions in agency proceedings, based on a report prepared by Professor Michael Asimow of the University of California School of Law (Los Angeles).

Separation of functions is a principle of administrative law which seeks to protect the independence and the objectivity of the adjudicative function by restricting its combination with inconsistent functions, such as prosecution, investigation, or advocacy. The draft recommendations attempt to provide guidance as to the kinds of activities which should be deemed inconsistent with subsequent participation in the decision making process and as to the kinds of contacts between agency decision makers and staff adversaries which should be permissible under agency practice.

The draft recommendations are subject to comment by affected agencies and other interested persons and organizations, and then to further consideration by the Committee on Agency Decisional Processes and the Assembly of the Conference at its Plenary Session. Interested persons are invited to comment on the draft recommendations.

**DATE:** Written comments are due by June 12, 1981.

**ADDRESS:** Send comments to Charles R. Pouncy, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

#### FOR FURTHER INFORMATION CONTACT:

Charles R. Pouncy (202/254-7065).

#### Draft Recommendation—Separation of Functions and Staff Communications With Decisionmakers in Agency Proceedings

##### Preamble

Separation of functions is a principle of administrative law which seeks to protect the independence and the objectivity of the adjudicative function by restricting its combination with inconsistent functions, such as prosecution, investigation, or advocacy.

This principle is implemented in the Administrative Procedure Act by section 554(d), which precludes agency prosecutors or investigators in a case from participating in the decision in that case, either as decisionmaker or as off-the-record adviser.<sup>1</sup> Although section 554(b) is applicable only to certain formal adjudications, agencies observe its principles in virtually all proceedings where the record is developed through formal hearing procedures.

In formal proceedings, separation of functions serves to insulate decisionmakers from off-the-record communications from agency staff members whose personal involvement in the proceeding is likely to impair their ability to give objective advice. This insulation of the decisionmaker also serves to enhance the parties' confidence in the impartiality of the decisionmaker and the overall fairness of the proceeding. However, separation of functions is not free of costs. It precludes agency decisionmakers from obtaining advice from the best qualified staff adviser if that expert is considered to have been involved as an adversary in the proceeding, and it can interfere with the ability of agency heads to set the general policy of the agency and to become aware of emerging problems. It also has the potential to cause serious delays, costly duplication of staff, and confusion about what communications are permissible, and to interfere with other collateral agency functions.

<sup>1</sup>Section 554(d) also requires that officers who preside over adjudications subject to that section not be responsible to or subject to the supervision or direction of the prosecuting or investigative staff of the agency. Analytically this requirement is also an implementation of the principle of separation of functions. However, we are not aware of any dissatisfaction with the present institutional arrangements for carrying out this requirement, and it is beyond the scope of this recommendation.

Federal Register

Vol. 46, No. 92

Wednesday, May 13, 1981

The principle of separation of functions need not be applied on an all-or-nothing basis in formal proceedings. Distinctions can be drawn between the different roles of staff members and the types and stages of proceedings for the purpose of establishing a framework for decision which provides basic fairness to the participants without imposing unnecessary costs on the regulatory process. This recommendation provides guidance as to the kinds of activities which should be deemed inconsistent with later participation in the decisionmaking process and as to the kinds of contacts between agency decisionmakers and staff adversaries which should be permissible under agency practice.

In informal rulemaking proceedings different considerations apply. In such proceedings the purpose of requiring public notice and opportunity to comment is to guarantee to the public at large an opportunity to submit views for agency consideration. The agency has an affirmative obligation to consider all relevant matter presented in the proceeding. This obligation can be especially weighty when the proposed rule has occasioned widespread interest since this usually results in a large record, with complex facts and policy issues and many affected participants. In this context the value of according to each participant the procedural protections common to formal proceedings is outweighed by the nature of the proceedings and the agency's need to avail itself fully of staff expertise. The Conference therefore recommends that agencies ordinarily not employ separation of functions in informal rulemaking proceedings.

However, the opportunity for the public to comment in informal rulemaking requires that information considered to be significant by the agency in the proceeding be made public, including information introduced by staff.<sup>2</sup>

##### Recommendation

A. The principle of separation of functions should be applied in any case set by an agency for disposition as a formal proceeding<sup>3</sup> whether or not the

<sup>2</sup>See ACUS Recommendations 76-3, 77-3.

<sup>3</sup>The Administrative Conference has recommended that the APA be amended to extend the principles of section 554(d) to all formal

Continued

case is governed by section 554(d) of the Administrative Procedure Act.

B. The following principles should govern the application of separation of functions in proceedings covered by paragraph A:

1. A staff member who is an "adversary" in such a proceeding should not participate or advise in the decision, except through an on-the-record presentation.

(a) An "adversary" in a case for purposes of separation of functions is a staff member whose role in that case or a factually related case is likely to cause him to identify with the interest of one of the parties.

(b) The term "adversary" includes a staff member who at any time participates personally as an investigator or in planning, developing or presenting evidence in that case or a factually related case (but not one who as presiding officer or assistant to the presiding officer helps to develop the record in a case).

(c) The term "adversary" may also include staff members whose participation or association with the case is less direct, but in deciding whether to disqualify such staff members agencies should be free to take into account the nature of the proceeding and the issues in dispute as well as the nature and the degree of participation by the staff members in question. The guidelines in the following paragraphs are intended to assist agencies in applying this paragraph (c).

2. In non-accusatory cases, including rulemaking, ratemaking, licensing, and other like proceedings which do not involve the imposition of sanctions or allegations of conduct bearing on a party's fitness to retain or acquire a valuable privilege, a staff member ordinarily should not be disqualified from advising agency heads solely by reason of:

(a) Organizational relationship, as a supervisor, colleague or subordinate, of an adversary;

(b) Furnishing technical information or technical advice to an adversary;

(c) Participating as a witness, except that a witness should be considered an

proceedings. Resolution No. 3, 1 CFR 310.2 (1973). The Conference believes the guidelines set forth in this recommendation to be consistent with the requirements of the APA. The term "formal proceeding", as used in this recommendation, means any proceeding governed by sections 556 and 557 of the APA, as well as any proceeding, either rulemaking or adjudication, which the agency, by regulation or order, requires to be conducted in conformity with those sections. This recommendation does not address the question of the desirability of formal proceedings for any particular category of agency determination. For example, see ACUS Recommendation 72-5.

adversary as to any issues addressed in his or her testimony;

(d) Participating on behalf of the agency in the same or a related judicial proceeding;

(e) Assisting the agency in deciding whether to investigate a matter, start a proceeding, or set a case for formal hearing, or in framing the issues to be considered at the hearing;

(f) Assisting the agency in preparing for or conducting collateral matters such as informal public meetings, budget planning, informal rulemaking, or Congressional testimony.

3. In accusatory cases or other like proceedings which involve the imposition of sanctions or allegations of conduct bearing on a party's fitness to acquire or retain a valuable privilege, agencies should expand the category of staff members who are disqualified from advising agency heads. In particular, the following staff members should ordinarily be disqualified:

(a) The subordinates and the immediate supervisors of those who are considered adversaries by reason of their having actively engaged in planning, developing or presenting the case;

(b) A staff member who participates on behalf of the agency in a related judicial proceeding other than a proceeding to review agency action on the basis of the administrative record;

(c) A staff member who provides technical information or technical advice to an adversary, and

(d) A staff member who participates as a witness.

4. A staff member who is an adversary should be available to advise the agency on predesignation matters (such as those mentioned in 2(e)) and collateral matters (such as those mentioned in 2(f)).

C. Separation of functions should not prevent agency heads from informing themselves of problems related to agency management and policy which arise in or affect particular proceedings.

D. An agency should not ordinarily apply separation of functions in rulemaking unless the proceeding is governed by sections 556 and 557 of the APA or set by the agency for disposition as a formal proceeding. An agency, however, should provide the public adequate opportunity to respond to significant information introduced by the staff.

Richard K. Berg,  
Executive Secretary.

May 5, 1981.

[FR Doc. 81-14413 Filed 5-12-81; 8:45 am]

BILLING CODE 6110-01-M

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

5 CFR Parts 2422, 2423, 2424, and 2429.

### Processing of Cases; Proposed Amendment to Rules

**AGENCY:** Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

**ACTION:** Proposed amendment of rules and regulations.

**SUMMARY:** These proposed amendments would, in pertinent part: (1) provide that in unfair labor practice cases where exceptions to an Administrative Law Judge's decision are not filed with the Authority within the time limit provided and as otherwise prescribed, the findings, conclusions and recommendations of the Administrative Law Judge shall become, without precedential significance, those of the Authority, and all objections and exceptions thereto shall be deemed to have been waived; (2) expressly provide for the filling of requests for reconsideration of decisions and orders of the Authority; and (3) otherwise clarify provisions related to the filing of documents in various proceedings, particularly provisions related to time limits, requests for extensions of those time limits, and the numbers of copies of documents required to be filed.

**DATE:** Written comments will be considered if received by June 12, 1981.

**ADDRESS:** Send written comments to James J. Shepard, Executive Director, Federal Labor Relations Authority, 1900 E. Street, NW., Washington, D.C. 20424.

**FOR FURTHER INFORMATION CONTACT:** Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, (202) 254-7362.

**SUPPLEMENTARY INFORMATION:** Effective January 28, 1980, the Authority, the General Counsel of the Authority and the Federal Service Impasses Panel published, beginning at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. The rules and regulations are required by 5 U.S.C. 7134.

The parts of the final rules and regulations affected by the amendments here proposed are: Parts 2433, 2324, 2424 and 2425, which, respectively, govern the processing of representation, unfair labor practice, negotiability and arbitration cases; and Part 2429, which

establishes the miscellaneous and general procedural requirements for parties in cases before the Authority.

As to the processing of unfair labor practice cases under Part 2423, experience indicates that a significant percentage of the Authority's case processing time and effort is expended in reviewing decisions and orders of Administrative Law Judges. The experience further indicates that the expenditure of such time and effort is unwarranted in cases where no exceptions are filed with the Authority. In such cases, findings of fact and conclusions of law sufficient to resolve the case have already been made by an Administrative Law Judge of the Authority and the parties do not dispute the Judge's decision and order. The situation described has come into sharper focus in light of the Authority's total and growing caseload, budgetary constraints and the concomitant need to streamline procedures, process cases as expeditiously as possible, and concentrate time and efforts on cases where disputes clearly exist and require Authority resolution.

In all types of cases mentioned, experience since January 1980 has also indicated a need for the establishment of a formal procedure for the filing of requests for reconsideration of decisions and orders of the Authority.

Further, prompted by questions from practitioners in cases before the Authority and problems that have arisen since January 1980 with respect to a number of provisions in the rules and regulations concerning document filing requirements, particularly those related to time limits and requests for extensions of time, the Authority has concluded that revisions which reflect current established practice and interpretations, and which otherwise clarify the provisions involved, should be proposed.

Accordingly, it is proposed that the final rules and regulations of the Authority and the General Counsel of the Authority be amended as follows:

## PART 2422—REPRESENTATION PROCEEDINGS

1. It is proposed to amend § 2422.6 by revising paragraph (d) to read as follows:

**§ 2422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Director.**

(d) The petitioner or party requesting intervention may obtain a review of such dismissal and/or denial by filing a request for review with the Authority

within twenty-five (25) days after service of the notice of such action. Copies of the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the request for review. Requests for extensions of time pursuant to § 2429.23(a) shall be in writing and received by the Authority not later than five (5) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based. Any party may file an opposition to a request for review with the Authority within ten (10) days after service of the request for review. Copies of the opposition to the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the request for review. The Authority may issue a decision or ruling affirming or reversing the Regional Director in whole or in part or making any other disposition of the matter as it deems appropriate.

2. It is proposed to revise § 2422.14 to read as follows:

### § 2422.14 Filing of briefs.

A party desiring to file a brief with the Authority shall file the original and four (4) copies within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other parties to the proceeding. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be submitted to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extensions of time shall be in writing and received by the Regional Director not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Authority.

## PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

3. It is proposed to amend § 2423.22 by revising paragraph (a)(1) to read as follows:

### § 2423.22 Motions.

(a) *Filing of Motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Director: *Provided, however,* That after the issuance of a complaint by the Regional Director any motion to change the date of the hearing shall be filed

with the Chief Administrative Law Judge immediately upon discovery of the circumstance which in the judgment of the moving party warrants a change in the date of the hearing. The moving party shall attempt to contact the other parties and shall inform the Chief Administrative Law Judge of the positions of the other parties on the motion. Only in extraordinary circumstances will such a motion be granted where filed less than ten (10) days prior to the scheduled hearing. Motions made after the hearing opens and prior to the transmittal of the case to the Authority shall be made in writing to the Administrative Law Judge or orally on the record. After the transmittal of the case to the Authority, motions and any response thereto shall be filed in writing with the Authority: *Provided, however,* That a motion to correct the transcript shall be filed with the Administrative Law Judge.

4. It is proposed to revise § 2423.25 to read as follows:

### § 2423.25 Filing of briefs.

Any party desiring to submit a brief to the Administrative Law Judge shall file the original and four (4) copies within a reasonable time fixed by the Administrative Law Judge, but not in excess of thirty (30) days from the close of the hearing. Copies of any brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the Administrative Law Judge. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be made to the Chief Administrative Law Judge, in writing, and copies thereof shall be served on the other parties. A statement of such service shall be furnished. Requests for extensions of time must be received not later than five (5) days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

5. It is proposed to amend § 2423.28 by revising paragraphs (a) and (c) to read as follows:

### § 2423.26 Transmittal of the administrative law judge's decision to the Authority; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Administrative Law Judge shall prepare the decision expeditiously. The Administrative Law Judge shall prepare a decision even when the parties enter into a stipulation of fact at the hearing. The decision shall contain findings of fact, conclusions of law, and the reasons

or basis therefore, including any necessary credibility determinations, and conclusions as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(c) An original and four (4) copies of any exception to the Administrative Law Judge's decision and briefs in support of exceptions may be filed by any party with the Authority within twenty-five (25) days after service of the decision: *Provided, however,* That the Authority may for good cause shown extend the time for filing such exceptions. Requests for extensions of time pursuant to § 2429.23(a) to file exceptions must be received by the Authority not later than five (5) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served on all other parties, and a statement of such service shall be furnished to the Authority.

6. It is proposed to amend § 2423.28 by revising paragraph (b) to read as follows:

**§ 2423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.**

(b) Any party may file an opposition to exceptions, and/or cross-exceptions, and a supporting brief with the Authority within ten (10) days after service of any exceptions to an Administrative Law Judge's decision. Copies of any opposition and/or cross-exceptions and of any supporting briefs shall be served on all other parties, and a statement of such service shall be submitted with the documents filed with the Authority.

7. It is proposed to amend § 2423.29 by revising paragraph (a) to read as follows:

**§ 2423.29 Action by the Authority.**

(a) After considering the Administrative Law Judge's decision, the record, and any exceptions and related submissions filed, the Authority shall issue its decision affirming or reversing the Administrative Law Judge, in whole, or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however,* That in the absence of exceptions filed timely and in accordance with § 2423.27, the findings, conclusions, and recommendations in the decision of the Administrative Law Judge shall, without precedential significance, become the findings, conclusions, decision and order

of the Authority, and all objections and exceptions thereto shall be deemed waived for all purposes.

**PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES**

8. It is proposed to amend § 2424.4 by revising paragraph (a) to read as follows:

**§ 2424.4 Content of petition; service.**

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the agency;

(2) An explicit statement of the exclusive representative's intent in making the proposal;

(3) A copy of all pertinent material, including the agency's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under Part 2423 of this subchapter and pending before the General Counsel.

**PART 2425—REVIEW OF ARBITRATION AWARDS**

9. It is proposed to amend § 2425.1 by revising paragraph (b) to read as follows:

**§ 2425.1 Who may file an exception; time limits for filing; opposition; service.**

(b) The limit for filing an exception to an arbitration award is thirty (30) days beginning on and including the date of the award.

**PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS**

10. It is proposed to amend § 2429.1 by revising paragraph (a) to read as follows:

**§ 2429.1 Transfer of cases to the Authority.**

(a) In any representation case under Part 2422 of this subchapter in which the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the

case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. In any unfair labor practice case under Part 2423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. The Authority may also remand any such case to the Regional Director for further processing. Orders of transfer and remand shall be served on all parties.

11. It is proposed to amend Part 2429 by adding a new § 2429.17 to read as follows:

**§ 2429.17 Reconsideration.**

After a final decision or order of the Authority has been issued, a party to the proceeding before the Authority who can establish in its moving papers extraordinary circumstances for so doing, may move for reconsideration of such final decision or order. The motion shall be filed within ten (10) days after service of the Authority's decision or order. A motion for reconsideration shall state with particularity the extraordinary circumstances claimed and shall be supported by appropriate citations. The filing and pendency of a motion under this provision shall not operate to stay the effectiveness of the action of the Authority, unless so ordered by the Authority. A motion for reconsideration need not be filed in order to exhaust administrative remedies.

12. It is proposed to revise § 2429.22 to read as follows:

**§ 2429.22 Additional time after service by mail.**

Whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period: *Provided, however,* That five (5) days shall not be added in any instance where an extension of time has been granted.

13. It is proposed to amend § 2429.23 by revising paragraph (d) to read as follows:

**§ 2429.23 Extension; waiver.**

(d) Time limits established in 5 U.S.C. 7117(c)(2) and 7122(b) may not be extended or waived under this section.

14. It is proposed to revise § 2429.25 to read as follows:

**§ 2429.25 Number of copies.**

Unless otherwise provided by the Authority or the General Counsel, or their designated representatives, as appropriate, or under this subchapter, any document or paper filed with the Authority, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate, under this subchapter, together with any enclosure filed therewith, shall be submitted in an original and four (4) copies. A clean copy capable of being used as an original for purposes such as further reproduction may be substituted for the original.

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority have determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated: May 8, 1981.

Ronald W. Haughton,  
Chairman.

Henry B. Frazier III,  
Member.

Leon B. Applewhaite,  
Member.

H. Stephan Gordon,  
General Counsel.

[PR Doc. 81-14385 Filed 5-12-81; 8:45 am]

BILLING CODE 6727-01-M

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 50**

**Licensing Requirements for Pending Operating License Applications**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to add to its power reactor safety regulations a set of licensing requirements applicable to operating license applications. The requirements stem from the

Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island to power plant licensing. Each applicant covered by the rule would have to meet these requirements, together with the existing regulations, in order to obtain an operating license.

**DATE:** Comments must be received on or before August 12, 1981.

**ADDRESSES:** Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

**FOR FURTHER INFORMATION CONTACT:**

John A. Olshinski, Chief, Operating Reactors Assessment Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301-492-8089.

**SUPPLEMENTARY INFORMATION:** On March 28, 1979, the Three Mile Island Unit 2 (TMI-2) nuclear power plant experienced a loss of feedwater transient, complicated by a set of circumstances and events, culminating in the equivalent of a small-break loss-of-coolant accident with substantial core damage. The circumstances and events that caused the feedwater transient to develop into an accident include design deficiencies, equipment failures, and human errors.

In April 1979, the Commission established the Bulletin and Orders Task Force as the focal point for those TMI-2 related staff activities necessary to assure the immediate safety of all other operating power reactors. During May 1979, the efforts of this group resulted in the issuance of several IE Bulletins and Commission Orders covering a wide range of topics.

In May 1979, the Commission established the TMI-2 Lessons Learned Task Force to identify and evaluate safety concerns requiring prompt licensing actions for operating reactors (beyond the immediate actions taken as a result of the Bulletins and Orders Task Force effort) and for pending operating license applications. A set of short-term recommendations offered by this task force was published as NUREG-0578 in July 1979.

In addition to these special NRC task forces, several other official groups have investigated the accident at TMI-2 and developed recommendations. These groups include the Congress, the General Accounting Office, the President's Commission on the Accident at Three Mile Island, the NRC Special Inquiry Group, the NRC Advisory Committee on Reactor Safeguards, the Special Review Group of the NRC Office

of Inspection and Enforcement, the NRC's staff's Task Force on Emergency Planning, and the NRC Office of Standards Development and Nuclear Regulatory Research. Each of the investigating groups, acting independently, organized their recommendations in a different way. A steering group was appointed to organize and assess the many recommendations and to develop the "TMI-2 Action Plan", which would provide a comprehensive and integrated plan for all actions necessary to correct or improve the regulation and operation of nuclear facilities. The items identified by the Lessons Learned Task Force and many longer term generic items identified by the Bulletins and Orders Task Force were included in the Action Plan program. This Action Plan was published as NUREG-0660 in May 1980.

In reviewing the technical, schedules and cost aspects of the numerous items of the TMI Action Plan, the Commission has approved a number of actions that provide substantial additional protection which is required for public health and safety. The Commission asked the staff to obtain industry comments on the approved Action Plan items and to make appropriate revisions prior to finalizing the requirements.

Actions to improve the safety of nuclear power plants now operating were judged to be necessary immediately after the accident and could not be delayed until the Action Plan was developed, although they were subsequently included in the Action Plan. Before these immediate actions were applied to operating plants, they were approved by the Commission. Many of the required immediate actions have already been taken by licensees and most are scheduled to be completed in the near future.

On May 15, 1980, after review of the last version of the Action Plan, the Commission approved a list of "Requirements for New Operating Licenses", contained in NUREG-0694. On October 28, 1980, the Commission approved a "Clarification of TMI Action Plan Requirements", now contained in NUREG-0737, which supersedes NUREG-0694. On December 16, 1980, the Commission issued a statement of policy, "Further Commission Guidance for Power Reactor Operating Licenses", which replaced a previous policy statement issued on June 16, 1980.

On September 5, 1980, the NRC sent letters regarding the new requirements approved by the Commission in its consideration of the TMI Action Plan to all licensees of operating reactors, applicants for operating licenses, and

holders of construction permits. During the week of September 22, 1980 regional meetings were held to provide more detailed explanation of the new requirements and to obtain industry comments. Based upon these discussions, the finalized Action Plan requirements were issued on October 31, 1980, as NUREG-0737, which included a summarizing letter. The letter noted that NUREG-0737 includes in tabular form and with technical clarification all the post-TMI-2 requirements that had been approved at that time by the Commission, but does not constitute the totality of the TMI-2 Action Plan.

Since NUREG-0737 was issued, the Commission has determined that the new requirements should be codified into the Commission's regulations. While there is no intent to change the technical content of these requirements, the NUREG-0737 items have been re-written in language appropriate for the Commission's regulations.

#### Substance of the Rule

This rule, which addresses the same set of items contained in NUREG-0737, imposes new safety requirements for operating license applications. The Commission has determined that these requirements must be met by all applicants for operating licenses. It should be noted, however, that there are many elements in the TMI Action Plan (NUREG-0660) not included in NUREG-0737, that have not yet been developed by the staff or acted upon by the Commission. There are also items that the Commission has directed to be the subject of further study. This rule will be augmented in the future to add new requirements as they are approved. Opportunity for public comment will be provided when such additional requirements are contemplated.

For the sake of completeness, all of the basis requirements of NUREG-0737 are incorporated in this proposed rule. It is recognized that some of the items individually are or may be the subject of other rulemakings (e.g., shift manning, operator qualification, and interim degraded core cooling). The Commission does not intend to issue duplicative rules. Consolidation or other appropriate action will be taken before final rulemaking to be sure that each subject is addressed in only one place in the rules.

While this rule contains the basic requirements set out in NUREG-0737, it does not incorporate the entirety of the document. In particular, the rule does not contain the detailed criteria, staff positions, and guidance contained in NUREG-0737 for satisfying many of the requirements. To have included such

detail would have resulted in an excessively detailed and restrictive rule. However, the Commission has reviewed NUREG-0737 and has concluded that the positions contained therein provide a basis for responding to the experience of the TMI-2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than that detailed in NUREG-0737, but in such cases must provide a basis for determining that the requirements of the rule have been met.

In developing this proposed rule, the Commission has recognized that there are a number of items from NUREG-0737 that merit additional consideration prior to being included in a final rule. For example, there are several items for which the ongoing Commission review, based on submittals by operating reactors, may resolve the concern such that no additional information on these items would be needed for operating license applications. Some items may be redundant with existing regulations. Some items are presently under Commission review with preliminary indications that either the requirement may not be needed or the specific criteria in NUREG-0737 for meeting the requirement may be revised. Finally, some items are so specific and of limited applicability that their inclusion in the regulations may not be warranted. Accordingly, while the proposed rule presently contains all items from NUREG-0737 applicable to operating license applications, comment is specifically solicited on items that may not need to be included for the reasons discussed above. The following are examples of items that have been identified as candidates for such reconsideration.

a. Generic items for which sufficient information may have already been received and no additional information may be needed from OL applicants:

- II.K.2.15 Effects of Slug Flow on OTSG Tubes.
- II.K.2.17 Voiding in RCS (complete for B&W only).
- II.K.2.19 Benchmark analysis in Sequential AFW Flow to the OTSG.

b. Items that may already be sufficiently codified in the regulations:

- II.K.3.30 Upgrade of SBLOCA Model.
- II.K.2.31 Plant Specific Analysis to Show Conformance with 10 CFR 50.46.
- III.A.1.2 Upgraded Emergency Support Facilities.
- III.A.2 Emergency Preparedness—Long Term.
- III.D.3.4 Control Room Habitability.

c. Items for which the Commission position on acceptability in NUREG-0737 may be revised:

II.A.1.3 Overtime Limitations.

II.C.8 Verify correct performance of Operating Activities.

d. Items that are presently under Commission staff review and reconsideration as to whether the modifications are needed:

- II.K.3.5 Automatic RCP Trip for PWRs.
- II.K.1.21 Anticipatory Trip on LOFW, Turbine Trip and Low S/G level (B&W).
- II.K.2.10 Same as II.K.1.21.
- II.K.1.20 Procedures for Manual Trip on Specific Events (B&W).

e. Items that may be too detailed or of limited applicability to merit codifying in the regulations:

- II.K.2.2 Initiation and Control of AFW Independent of ICS (B&W)
- II.K.2.9 FMEA of the ICS (B&W)
- II.K.3.9 Modifications to the PID Controller for W-designed Plants
- II.K.3.10 Anticipatory Reactor Trip Bypass Setpoint
- II.K.3.11 PORVs Manufactured by CCI, Inc.

The proposed rule includes a provision that the Commission may, for good cause shown, grant relief from the required implementation schedules on a case-by-case basis. The Commission recognizes that this rule may affect operating license proceedings now pending before the adjudicatory boards. While this may often be true when a new rule is promulgated, the broad scope and relative detail of this rule could cause a greater than usual impact on pending proceedings. This impact might be particularly severe on proceedings where the record has been closed. The Commission solicits comments on the potential impact of this rule, and its implementation schedule, on pending operating license proceedings.

Based upon its extensive review and reconsideration of the issues arising as a result of the Three Mile Island accident, the Commission has decided that applications for an operating license should be measured by the NRC staff and Presiding Officers in adjudicatory proceedings against the existing regulations, as augmented by this rule. It is the Commission's view that this new rule, together with the existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of an operating license. The Commission seeks public comment on the requirements contained in this rule. It should be noted that the Commission intends to augment its regulations with a similar rule for operating reactors. The proposed Operating Reactor Rule will be published for comment within two to three weeks of the publication of this

proposed rule for Operating License Applications.

#### Paperwork Reduction Act

The proposed rule will be submitted to the Office of Management and Budget for clearance of the application requirements that may be appropriate under the Paperwork Reduction Act (Pub. L. 96-511). The SF-83 "Request for Clearance," Supporting Statement, and related documentation submitted to OMB will be placed in the NRC Public Document Room at 1717 H Street, NW, Washington, D.C. 20555. The material will be available for inspection and copying for a fee. No license may be issued unless a completed application form has been received that meets the requirements of 10 CFR 50.34(f), (42 U.S.C. 2201, 5841, 5844).

#### Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 552 and 553 of Title 5 of the United States Code, the Commission proposes to amend Part 50 of Chapter I, Title 10 of the Code of Federal Regulations as follows:

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 68 Stat. 936, 937, 948, 953, 954, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233); secs. 202, 206, 68 Stat. 1244, 1246 (42 U.S.C. 5842, 5846), unless otherwise noted. Section 50.78\* also issued under sec. 122, 68 Stat. 939, 42 U.S.C. 2152. Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended; 42 U.S.C. 2234. Sections 50.100-50.102 issued under sec. 186, 68 Stat. 955; 42 U.S.C. 2236. For the purposes of sec. 223, 68 Stat. 958, as amended; 42 U.S.C. 2273, § 50.54(i) issued

under sec. 1611, 68 Stat. 949; 42 U.S.C. 2201(i), and §§ 50.70-50.71 and § 50.78\*\* issued under sec. 1610, 68 Stat. 950, as amended; 42 U.S.C. 2201(o) and the Laws referred to in Appendices.

1. A new paragraph (f) is added to § 50.34 to read as follows:

#### § 50.34 Contents of application, technical information.

(f) *Additional TMI-related requirements for applications for an operating license.* In addition to the requirements of paragraph (b) of this section, each application for an operating license that is to be issued after ( \* \* \* insert effective date of this rule \* \* \* ) shall meet the requirements in paragraphs (f) (1) and (2) of this section. If the applicant contends that implementation of an item on the schedule set forth in this rule is impractical for its facility, the applicant may provide information to support this contention. The Commission will evaluate this information and, based on its determination of earnest effort and good cause shown, may grant relief from the implementation schedule, on a case-by-case basis. In such cases, the Commission will impose alternative schedule requirements suitable for that facility.

(1) For the following requirements, the application shall describe how each requirement will be implemented or

satisfied prior to issuance of an operating license.

(i) The minimum shift staffing for operators, licensed and non-licensed, shall be as shown in Table 1. In addition to the staffing requirements stated in the Table, each operating shift, except during periods of cold shutdown, shall include a qualified Shift Technical Advisor (STA). In addition to the staffing requirements stated above, shift crew assignments shall include a licensed senior reactor operator to directly supervise core alterations. This licensed senior reactor operator may have fuel handling duties but shall not have other concurrent operational duties. The amount of overtime worked by plant staff members performing safety-related functions shall be limited. Other onshift staffing and emergency response capabilities shall be as shown in Table 2. The capability for augmentation of resources for emergency response functions shall be equivalent to that shown in Table 2. (I.A.1.1; I.A.1.3; III.A.1.2)

(ii) The operator initial training and requalification programs shall include: heat transfer, fluid flow, and thermodynamics; and emphasis on reactor and plant transients.

\* Alphanumeric designations correspond to the related action plan items in NUREG-0737, "Clarification of the TMI Action Plan Requirements" and NUREG-0660, "NRC Action Plan Developed as a Result of the TMI-2 Accident. They are provided herein for information only.

Table 1.—Required Shift Manning

Operating status	One unit, one control room	Two units, one control room	Two units, two control rooms	Three units, two control rooms
One Unit Operating*	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....
	1 SRO .....	1 SRO .....	1 SRO .....	1 SRO .....
	2 RO .....	3 RO .....	3 RO .....	4 RO .....
	2 AO .....	3 AO .....	3 AD .....	4 AO .....
Two Units Operating*	NA .....	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....
	.....	1 SRO .....	2 SRO .....	12 SRO .....
	.....	3 RO .....	4 RO .....	5 RO .....
	.....	3 AO .....	4 AO .....	5 AO .....
All Units Operating*	NA .....	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....
	.....	1 SRO .....	2 SRO .....	2 SRO .....
	.....	3 RO .....	4 RO .....	5 RO .....
	.....	3 AO .....	4 AO .....	5 AO .....
All Units Shut Down	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....	1 SS (SRO) .....
	1 RO .....	2 RO .....	2 RO .....	3 RO .....
	1 AO .....	3 AO .....	3 AO .....	5 AO .....
	.....	.....	.....	.....

SS—shift supervisor.

SRO—licensed senior reactor operator.

RO—licensed reactor operator.

AO—auxiliary operator.

\* Only 1 SRO and 4 ROs required if both units are operated from one control room.

NOTE.—(1) In order to operate or supervise the operation of more than one unit, an operator (SRO or RO) must hold an appropriate, current license for each such unit.

(2) In addition to the staffing requirements indicated in the table, a licensed senior operator will be required to direct

supervise any core alteration activity.

(3) See item I.A.1.1 for shift technical advisor requirements.

\*\* Modes 1 through 4 for PWRs.

Modes 1 through 3 for BWRs.

Table 2.—Minimum Staffing Requirements for NRC Licensees for Nuclear Power Plant Emergencies

Major functional area and location	Major tasks	Position title or expertise	On shift*	Capability for addition
			30 min	60 min
Plant Operations and Assessment of Operational Aspects		Shift Supervisor (SRO)	1	
		Shift Foreman (SRO)	1	
		Control Room Operators	2	
		Auxiliary Operators	2	
Emergency Direction and Control (Emergency Coordinator)***		Shift Technical Advisor, Shift Supervisor or designated facility manager	1**	
Notification/Communication****	Notify licensee, State, local and Federal personnel and maintain communication.		1	1
Radiological Accident Assessment and Support of Operational Accident Assessment	Emergency Operations	Senior Manager		1
	Facility (EOF) Director			
	Offsite Dose	Senior Health Physics		
	Assessment	(HP) Expertise	1	
	Offsite Surveys		2	2
	Onsite (out-of-plant)		1	1
	In-plant surveys	HP Technicians	1	1
	Chemistry/Radio chemistry	Rad/Chem Technicians	1	1
	Technical Support	Shift Technical Advisor	1	
Plant System Engineering, Repair and Correcting Actions	Core/Thermal Hydraulics			1
	Electrical			1
	Mechanical			1
	Repair and Corrective Actions	Mechanical Maintenance/Rad Waster Operator	1**	1
	Radiation Protection	Electrical Maintenance/Instrument and Control	1**	1
	a. Access Control	(I&C) Technician	1	
	b. HP Coverage for repair, corrective actions, search and rescue first-aid and firefighting	HP Technicians	2**	2
	c. Personnel monitoring			2
	d. Dosimetry			2
Firefighting			1	1
Rescue Operations and First-Aid			2**	2
Site Access Control and Personnel Accountability	Security, firefighting communications, personnel accountability	Security Personnel	2	
		Total	10	11
				15

\* Fire Brigade per Technical Specifications.

\*\* All per security plan.

\*\*\* Local support.

NOTE: \*For each unaffected nuclear unit in operation, maintain at least one shift foreman, one control room operator and one auxiliary operator except that units sharing a control room may share a shift foreman if all functions are covered.

\*\* May be provided by shift personnel assigned other functions.

\*\*\* Overall direction of facility response to be assumed by EOF director when all centers are fully manned. Director of minute-to-minute facility operations remains with senior manager in technical support center or control room.

\*\*\*\* May be performed by engineering aide to shift supervisor.

The training program for all operating personnel shall include training to recognize, control and mitigate the consequences of accidents in which the core is severely damaged. In addition, each applicant shall support the development of its training program, emergency procedures and control room hardware, with applicable human engineering data. Additionally, intensive and comprehensive training exercises are to be conducted during low-power testing programs to provide experience for each operating shift. The principal instructors shall be qualified at the senior reactor operator level and shall periodically thereafter demonstrate their continued competency. An applicant for a senior reactor operator license shall have had experience as an operator and shall participate in an NRC approved training program. In addition to the written examination and the oral examination administered in the plant, and operational examinations on an appropriate simulator will be

administered by the NRC. The minimum passing grade shall be 80% overall with a minimum in each technical category of 70%. (I.A.2.1; I.A.2.3; I.A.3.1; I.G.1; II.B.4)

(iii) Corporate management directives shall be issued that emphasize the shift supervisor's role in the control room as the primary onsite manager responsible for safe operation of the plant under all conditions. Such directives shall clearly define his responsibilities and authority including his command decision authority, relative to other plant management personnel, over plant operations personnel. The shift supervisor's responsibilities shall include limiting personnel access to the control room during emergencies; his administration duties shall be such that they do not detract from or are subordinate to the management responsibility for assuring the safety operation of the plant. Training programs for shift supervisors shall strengthen both management and operational capabilities (I.A.1.2; I.C.3; I.C.4)

(iv) An onsite independent safety engineering group of technically qualified personnel shall be provided to perform continuing systematic reviews of plant activities, including operating experience information that may indicate areas for improving plant safety. This group shall also provide recommendations and advice to an offsite high level corporate technical officer, not in the management chain for power production. (I.B.1.2)

(v) Analyses of small-break loss-of-coolant accidents and of transients and accidents that involve postulated multiple failures, consequential failures, and operator errors, which if unmitigated could lead to inadequate core cooling, shall be provided. The analyses shall be carried sufficiently into the event to identify all significant thermal/hydraulic/neutronic phenomena and to address possible failures and operator errors during the long-term cooling phase. Emergency procedure guidelines to mitigate these

transients and accidents shall be provided. (I.C.1)

(vi) Administrative controls shall be provided to ensure adequate exchange of plant status information between control room operations personnel during shift and relief turnover. As a minimum, the exchanged information shall include: Values of key plant parameters, availability and alignment of systems important to safety, identification of systems and components in an acceptable degraded mode of operation, and identification of systems out of service for maintenance or test. (I.C.2)

(vii) A management system shall be provided to perform the following functions: (A) Review operating experience information originating both within and outside the facility; (B) Promptly supply information pertinent to plant safety, including proposed procedural changes and plant modifications, to operators and other appropriate plant personnel; and (C) Assure that such information is incorporated into training and requalification programs. (I.C.5)

(viii) A management system shall be provided to independently verify the proper performance of operational and maintenance activities, as a means of reducing errors that could result in or contribute to accidents. The system shall include automatic status monitoring or verification by two qualified individuals (I.C.6)

(ix) Reviews of the proposed procedures for low-power test, power ascension tests, and emergency procedures to verify the adequacy of procedures shall be obtained from the nuclear steam system supplier. (I.C.7)

(x) Detailed reviews of the final design shall be performed to ensure that the design of the control room and control boards are in conformance with good human factors engineering principles and that information for the control room operators is presented in a manner that facilitates recognition of developing off-normal conditions, and mitigation of accidents. (I.D.1)

(xi) A plan for collection of data shall be provided that will establish for ECCS systems and equipment: (A) Outage dates and durations, (B) cause of the outage, (C) systems or components involved, (D) specific corrective actions taken, and (E) changes that may improve ECCS equipment availability. (II.K.3.17)

(xii) Direct position indications (open or closed) for the relief and safety valves shall be provided in the control room. (II.D.3)

(xiii) The auxiliary feedwater system (AFW) shall be evaluated including: (A)

A simplified AFW reliability analysis using event-free and fault-free logic techniques; (B) A design review of AFW; and (C) An evaluation of AFW flow design bases and criteria. (Applicable to PWRs only.) (II.E.1.1)

(xiv) The protection system shall include automatic and manual initiation of the auxiliary feedwater system and control room indication of system flow. (Applicable to PWRs only.) (II.E.1.2)

(xv) The design shall include the capability to promptly connect onsite electric power to: (A) Pressurizer heater and associated controls sufficient to establish and maintain natural circulation in hot standby conditions, (B) pressurizer power-operated relief valves, (C) the block valves for the pressurizer power-operated relief valves, and (D) pressurizer water level instrumentation. (Applicable to PWRs only.) (II.E.3.1 & II.G.1)

(xvi) Each power reactor that relies upon external recombiners or purge repressurization systems to satisfy the requirements of § 50.44 of this part shall be provided with containment penetrations for the external recombiners or purge/repressurization systems that either: (A) Are dedicated to that service only, conform to the requirements of Criteria 54 and 56 of Appendix A of this part, are designed against postulated single failures and are sized to satisfy the flow requirements of the external recombiners or purge/repressurization systems, or (B) are of a combined design for use by either external recombiners or purge/repressurization systems and other systems, conform to the requirements of Criteria 54 and 56 of Appendix A of this part, are designed against postulated single failures both for containment isolation purposes and for operation of the external recombiners or purge/repressurization systems. (II.E.4.1)

(xvii) The containment isolation system design shall provide that: (A) All non-essential systems are isolated automatically, (B) each non-essential penetration (except instrument lines), has two isolation barriers in series, (C) the overriding (resetting) of the isolation signal shall require deliberate operator actions of at least two steps and no single sequence of operator override actions shall cause the reopening of the containment penetrations associated with more than one system or more than one purge or vent isolation valve, (D) the containment high pressure set point for initiating containment isolation is as low as is compatible with normal operation,

and (E) all containment purge and vent isolation valves will receive an automatic closure signal on containment high radiation. (II.E.4.2)

(xviii) A review shall be provided of all valve positions and positioning requirements and positive controls and all related test and maintenance procedures to assure proper Engineered Safety Features (ESF) functioning. (II.K.1.5)

(xix) Procedures for removing safety-related systems from service (and restoring to service) shall be provided that ensure that operability status will always be known by the control room operators. (II.K.1.10)

(xx) Safety injection shall be initiated when the pressurizer low pressure setpoint is reached regardless of the pressurizer level. (Applicable to Westinghouse-designed reactors only.) (II.K.1.17)

(xxi) The reactor protection system shall include anticipatory reactor trip for loss of main feedwater, turbine trip, and significant decrease in steam generator level. Procedures and associated operator training shall be provided to ensure prompt manual reactor trip for main steamline isolation valve closure, loss of offsite power, and low pressurizer level. (Applicable to Babcock & Wilcox-designed reactors only.) (II.K.1.20, II.K.1.21, and II.K.2.10)

(xxii) An analysis shall be provided to verify that the power-operated relief valves on the pressurizer will open during less than five percent of all anticipated overpressure transients for the range of plant conditions which might occur during a fuel cycle. (Applicable to Babcock-Wilcox-designed reactors only.) (II.K.2.14 and II.K.3.7)

(xxiii) The design of the auxiliary heat removal systems shall be such that necessary automatic actions will occur, and manual actions can be taken, when the main feedwater system is not operable. (Applicable to BWRs only.) (II.K.1.22)

(xxiv) A description shall be provided of all reactor vessel level indications used for automatic or manual initiation of safety systems. Other instrumentation that might give the operator the same information on plant status shall also be described. (Applicable to BWRs only.) (II.K.1.23)

(xxv) Procedures and training shall be provided for operating personnel relative to initiation and control of auxiliary feedwater independent of the Integrated Control System. (Applicable to Babcock & Wilcox-designed reactors only) (II.K.2.2)

(xxvi) A failure modes and effects analysis of the integrated control system (ICS) shall be provided. (Applicable to Babcock and Wilcox-designed reactors only.) (II.K.2.9)

(xxvii) A detailed analysis of thermal-hydraulics conditions in the reactor vessel during recovery from a small-break LOCA, with an extended loss of all feedwater, requiring the use of the cooler high-pressure injection system water, shall be provided to confirm that vessel integrity is not jeopardized. (Applicable to PWRs only.) (II.K.2.13)

(xxviii) An analysis shall be provided of the effects of slug flow on the once-through steam generator tubes after primary system voiding. (Applicable to Babcock & Wilcox-designed plants only.) (II.K.2.15)

(xxix) An evaluation shall be provided of the potential for and impact of reactor coolant pump seal damage and leakage upon loss of offsite power. If such damage is indicated, an analysis shall be provided of the limiting small-break loss-of-coolant accident complicated by subsequent reactor coolant pump seal damage. (II.K.2.16 and II.K.3.25)

(xxx) For Westinghouse-designed facilities where the reactor trip is to be bypassed when operating below 50 percent power, an evaluation shall be provided to verify that the probability of a small break LOCA resulting from a stuck-open PORV is not significantly greater than the case where this trip is bypassed only when operating below 10 percent power. (II.K.3.10)

(xxxi) An analysis shall be provided that defines the probability of a small-break LOCA caused by a stuck-open power operated relief valve (PORV). If this probability is a significant contributor to small-break LOCAs from all causes, provide a design description for an automatic PORV isolation system that would operate when the reactor coolant system pressure falls after the PORV has opened. (Applicable to PWRs only.) (II.K.3.2 and II.K.3.1)

(xxxii) Any failure of a safety or relief valve shall be reported promptly to the NRC and all challenges to such valves shall be reported annually. (Applicable to PWRs only.) (II.K.3.3)

(xxxiii) An evaluation shall be provided of the automatic tripping of the reactor coolant pumps in the case of a small-break loss-of-coolant accident. (Applicable to PWRs only.) (II.K.3.5)

(xxxiv) If a proportional integral-derivative controller is installed in the power operated relief valve (PORV) control system, the control system shall be operated so as to preclude opening the PORV due to derivate action.

(Applicable to Westinghouse-designed reactors only.) (II.K.3.9)

(xxv) Complete justification shall be provided for the use of any type of pressure-operated relief valve that has failed during testing (such as those supplied by Control Components, Inc., that failed during hot functional testing at a plant). (Applicable to PWRs only.) (II.K.3.11)

(xxvi) An anticipatory reactor-trip on turbine-trip shall be provided. (Applicable to Westinghouse-designed reactors only.) (II.K.3.12)

(xxvii) An evaluation shall be provided of the safety effectiveness of initiating the reactor core isolation cooling system at a higher water level than that for the high pressure coolant injection system and of restarting both systems on low water level. (Applicable to BWRs only.) (II.K.3.13)

(xxviii) The design of the HPCI/RCIC steam line pipe-break-detection circuitry shall be such that pressure spikes resulting from HPCI and RCIC system initiation will not cause inadvertent isolation of these systems. (Applicable to BWRs only.) (II.K.3.15)

(xxix) An analysis shall be provided to identify practicable system modifications that would reduce challenges and failures of relief valves, without compromising the performance of the valves or other systems, shall be provided. (Applicable to BWRs only.) (II.K.3.16)

(xl) Pending the implementation of automatic transfer features, clear and cogent procedures shall exist for manual transfer of RCIC system suction to the suppression pool when the condensate storage tank level is low. (Applicable to BWRs only) (II.K.3.22)

(xli) The HPCI and RCIC systems shall be designed to withstand and operate satisfactorily following a complete loss of offsite power for at least two hours. (Applicable to BWRs only.) (II.K.3.24)

(xlii) The scales of the various reactor vessel water level instruments shall be referenced to the same point. (Applicable to BWRs only.) (II.K.3.27)

(xliii) Small-break loss-of-coolant accident analysis methods used to comply with Appendix K to 10 CFR Part 50 shall be revised and provided that account for experimental data, including data from the Loss-of-fluid-test (LOFT) and Semiscale Test facilities. This evaluation shall consider the LOFT test, (L3-6). (II.K.3.30)

(xliv) Analysis shall be provided to demonstrate that for anticipated transients complicated by the worst single failure, and assuming proper operator actions, the core remains covered or no significant fuel damage

results from core uncover. (Applicable to BWRs only.) (II.K.3.44)

(xlv) Analysis shall be provided to support depressurization methods, other than by full actuation of the automatic depressurization system, that would reduce the possibility of exceeding vessel integrity limits during rapid cooldown. (Applicable to BWRs only.) (II.K.3.45)

(xlvi) Each boiling and pressurized light-water nuclear power reactor applicant shall implement leak reduction measures to that leakage, from systems outside containment (systems that would or could contain highly radioactive fluids during and following a serious transient or accident), is eliminated or minimized to the maximum extent practicable to prevent the release of significant amounts of radioactive material during and following an accident. Consideration shall be given to reductions of potential release paths that could result from design or operator deficiencies.

(xlvii) Each boiling and pressurized light-water nuclear power reactor licensee shall establish and implement a program of preventive maintenance to eliminate or minimize, to the maximum extent practicable, leakage from systems outside containment. This program shall include periodic (integrated) leak tests of these systems at intervals not to exceed each refueling cycle and also include (as-well-as) the reduction of potential release paths by appropriate operator training. (III.D.1.1)

(xlviii) Each boiling and pressurized light-water power reactor shall be provided with instrumentation, equipment and associated training and procedures for determining, under accident conditions, the airborne radioiodine concentration in areas within the facility where plant personnel may be present during and following an accident. (III.D.3.3)

(xlix) The control room and associated habitability systems shall be designed to adequately protect the reactor operations staff against the effects of accidental release of toxic or radioactive gases such that the nuclear plant can be operated or safety shutdown under accident conditions. Analysis based upon the final as-built conditions shall be provided to demonstrate that airborne concentrations of such hazardous fumes will permit control room operators to remain in the control room to take appropriate safety actions. (III.D.3.4)

(l) Dedicated emergency response facilities shall be established and maintained for command and control, support, and coordination of onsite and

offsite functions during reactor accident conditions. The Technical Support Center is to provide an appropriate near-the-control-room location for those individuals who are knowledgeable of and responsible for engineering and management support of reactor operations, to diagnose and evaluate plant conditions and for more orderly conduct of plant activities during emergency conditions. The Operational Support Center is to provide an area separate from the control room for shift and other support personnel (e.g., auxiliary operator, technicians, health physics personnel) to report for instructions from the control room staff. The near-site Emergency Operations facility is to provide (A) a center for analysis of plant effluents, meteorological conditions, offsite radiation measurements and for offsite dose projections, and (B) a center for coordination of all licensee onsite and offsite activities and coordination with Federal, State, and local authorities for implementation of offsite emergency plans.

(ii) Plans and facilities for coping with emergencies shall be in accordance with the requirements set forth in other sections of 10 CFR Part 50. (III.A.1.1; III.A.1.2; III.A.2)

(iii) The design shall ensure the capability of natural circulation in the event that depressurization of the reactor vessel, during a small break LOCA, is required (II.K.3.46)

(iv) A feasibility study and risk assessment shall be submitted that defines the optimal approach for eliminating the need for manual actuation of the automatic depressurization system to assure adequate core cooling. (Applicable to BWRs only) (II.K.3.18)

(2) These requirements shall be implemented either by the date indicated or before the issuance of an Operating License, whichever is later. The application shall describe how each requirement will be implemented or satisfied.

(i) Emergency procedures shall be provided to mitigate small-break loss-of-coolant accidents, and transients and accidents that involve postulated multiple failures, consequential failures, and an operator errors, which, if unmitigated, could lead to inadequate core cooling. (January 1, 1982) (I.C.1)

(ii) Each boiling and pressurized light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system and reactor vessel head and other systems required to maintain adequate core cooling if the accumulation of noncondensable gases would cause their loss of function.

remotely operated from the control room, to provide improved operational capability to maintain adequate core cooling following an accident. High point vents are not required, however, for the tubes in U-tube steam generators. Since these vents form a part of the reactor coolant pressure boundary, the design of the vents and associated controls, instruments and power sources must conform to the requirements of Appendix A and Appendix B to this Part 50. In particular, the vent system shall be designed to ensure a low probability that (A) the vents will not perform their safety functions and (B) there would be inadvertent or irreversible actuation of a vent. Furthermore, the use of these vents during and following an accident must not aggravate the challenge to the containment or the course of the accident. (July 1, 1982) (II.B.1)

(iii) Each boiling and pressurized light-water nuclear power reactor shall be provided with both adequate access to areas that may be used during and following an accident and protection of safety equipment so that an accident that results in the release of large amounts of radioactive material will not limit personnel occupancy or degrade safety equipment by the radioaction fields that may exist during and following the accident to the extent that required safety functions cannot be accomplished.

(A) The facility design must be based on a release of radioactive material from the fuel to the primary coolant system that is not less than 100% of the core equilibrium noble gas inventory, 50% of the core equilibrium halogen inventory, and 1% of the remaining core fission products. For equipment and areas affected by the reactor coolant, it shall be assumed that the above distribution of radioactive material is intimately mixed with the coolant water except that recirculated, depressurized coolant water may be assumed to contain no noble gases. For equipment and areas affected by the containment

atmosphere, it shall be assumed that not less than 100% of the core equilibrium noble gas inventory and 25% of the core equilibrium halogen inventory are uniformly dispersed in the containment atmosphere and an additional 25% of the core equilibrium halogen inventory and 1% of the remaining core fission products are uniformly distributed on surfaces exposed to the containment atmosphere.

(B) The facility design basis must be such that an individual operator will not receive more than a 5 rem whole body dose, or its equivalent to any part of the body, while performing a necessary

safety function during and following an accident. (January 1, 1982) (II.B.2)

(iv) Each boiling and pressurized light-water nuclear power reactor shall be provided with the capability for personnel to obtain and quantitatively analyze a reactor coolant or containment atmosphere sample during and following an accident.

(A) The facility design must be based on the radioactive material release terms described in paragraph (f)(1)(iii) of this section.

(B) The design basis for the plant equipment that provides the capability to obtain and analyze a sample must be based on the assumption that it will be done promptly, and without incurring a radiation exposure to any individual in excess of 5 rem to the whole body, or its equivalent to any part of the body.

(C) The capability to quantitatively analyze a sample must be based on the use of either in-line monitoring or an onsite radiological and chemical analysis facility. If in-line monitoring is chosen, a capability must be provided for backup sampling using grab samples, and must include the capability for analyzing the samples at either an onsite or offsite facility. The analysis capability must provide, as needed, quantification of the following:

(1) Those radioisotopes necessary to indicate the extent of core damage;

(2) Hydrogen in the containment atmosphere;

(3) Total dissolved gases or dissolved hydrogen gas in the reactor coolant;

(4) Boron in the reactor coolant; and

(5) Chloride in the reactor coolant. Chloride analyses may be performed offsite and are not required to be done promptly. (January 1, 1982) (II.B.3)

(v) Qualification tests shall be conducted on the reactor coolant system relief and safety valves and, for PWRs, block valves, for all fluid conditions under operating conditions, transients and accidents. Block valves for each relief valve shall be qualified to isolate not only a leaking relief valve under normal conditions, but also any fluid flow conditions generated by a stuck-open relief valve under normal operating or accident conditions. The results of the qualification tests shall be submitted. (Applicable to PWRs only) (July 1, 1982) (II.D.1)

(vi) Accident Monitoring  
Instrumentation shall be provided for each boiling and pressurized light-water nuclear power reactor and shall have the capability during and following an accident for:

(A) Providing and recording in the control room a continuous indication of:

(1) Containment pressure;

(2) Hydrogen concentration in the containment atmosphere;  
 (3) Containment water level;  
 (4) Containment radiation level; and  
 (5) Radioactive noble gas concentrations in the plant gaseous effluents at all potential accident release paths effective.

(B) Quantifying the concentration of radioiodines and radioactive particulates in plant gaseous effluents at all potential accident release paths.

(C) Performing their function following an accident characterized by the radioactive material release terms described in paragraph (f)(2)(iii) of this section. (January 1, 1982) (II.F.1)

(vii) (A) Each boiling and pressurized light-water nuclear power reactor licensee shall develop and implement procedures and training to be used by the operators to recognize the existence of inadequate core cooling and low coolant level in the reactor core using available instrumentation.

(B) Each pressurized light-water nuclear power reactor shall be provided with a primary coolant saturation meter (subcooling meter) that provides in the control room a continuous, recorded, on-line indication of the primary coolant saturation condition.

(C) Each boiling and pressurized light-water nuclear power reactor shall be provided with an instrumentation system, for example, reactor vessel water level indicators for pressurized water reactors that augment the incore thermocouples; and incore thermocouples for boiling water reactors that augment the reactor vessel water level indicators. The instrumentation system must supply to the control room a recorded, unambiguous, easy-to-interpret, indication of inadequate core cooling. The indication must cover the complete range from normal operation to complete core uncover and give advance warning of the approach of inadequate core cooling. (January 1, 1982.)

(D) All instruments used to detect the existence of inadequate core cooling shall be designed and qualified to perform their function following an accident characterized by the radioactive material release terms described in paragraph (f)(2)(iii) of this section. (January 1, 1982) (II.F.2)

(viii) An analysis shall be provided that defines the potential for voiding in the reactor coolant system during anticipated transients. (Applicable to PWRs only) (January 1, 1982) (II.K.2.17)

(ix) An analysis shall be provided of sequential auxiliary feedwater flow to the steam generators following a loss of main feedwater. (Applicable to PWRs

only) (January 1, 1982) (II.K.2.19)

(x) If determined necessary as a result of the analysis required by paragraph f(1)(XLi) of this section, an automatic power-operated relief valve isolation system shall be installed that will automatically cause the block valve to close when the reactor coolant system pressure falls after the PORV has opened (Applicable to PWRs only). (This requirement shall be implemented, if found to be necessary, by the end of the first refueling 6 months after staff approval of the design.) (II.K.3.1)

(xi) The automatic depressurization system, valves, accumulators and associated equipment instrumentation shall show to be capable of performing their intended safety functions during and following exposure to the hostile environment of an accident situation, taking no credit for non-safety related equipment or instrumentation, and taking account for air (or nitrogen) leakage through valves. (Applicable to BWRs only.) (January 1, 1982) (II.K.3.28)

(xii) Plant-specific calculations for small break loss of coolant accidents shall be provided consistent with the revised models development pursuant to item f(1)(XLiii) of this section. (January 1, 1983) (II.K.3.31)

(xiii) The RCIC system shall automatically transfer its suction to the suppression pool when the condensate storage tank level is low. (Applicable to BWRs only.) (January 1, 1982) (II.K.3.22)

(xiv) The design of the automatic depressurization system shall be such that any operation of this system needed to assure adequate core cooling will be initiated automatically. The design description shall be submitted to the NRC for approval by April 1, 1982, or as part of the FSAR, whichever is later. For operating licenses issued prior to April 1, 1983, the design shall be installed not later than the first refueling outage that is at least six months subsequent to staff approval of the design. For operating licenses issued on or after April 1, 1983, the design shall be installed not later than the start of power operation (i.e., greater than 5% of rated power). (Applicable to BWRs only) (II.K.3.18)

(xv) The core spray and the LPCI systems shall automatically restart upon low water level, if an initiation signal is still present, to assure adequate core cooling. The design description shall be submitted to the NRC for approval. For operating licenses issued prior to January 1, 1982 the design shall be installed not later than the first refueling outage that is at least six months subsequent to staff approval of the design. For operating licenses issued on or after January 1, 1982, the design shall

be installed not later than the start of power operations (i.e., greater than 5% rated power). (Applicable to BWRs only) (II.K.3.21)

Dated at Washington, D.C., this 7th day of May 1981.

For the Nuclear Regulatory Commission.  
 Samuel J. Chilk,  
*Secretary of the Commission.*

Note.—Commissioner Bradford's dissenting views are attached.

#### 10 CFR Part 50

##### *Licensing Requirements for Pending Operating License Applications*

Commissioner Bradford dissented from the publication of the proposed rule on the grounds that the subject matter was too broad to be dealt with coherently and effectively in a single rulemaking.

[FR Doc. 81-14302 Filed 5-12-81; 8:45 am]

BILLING CODE 7500-01-M

#### SELECTIVE SERVICE SYSTEM

##### 32 CFR Ch. XVI

##### *Improving Government Regulations; Semiannual Agenda*

AGENCY: Selective Service System.

ACTION: Semiannual agenda.

**SUMMARY:** The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service system that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decisionmaking at an early stage.

##### **FOR FURTHER INFORMATION CONTACT:**

Edward A. Frankle, Associate Director, Policy Development Directorate, Selective System, Washington, D.C. 20435. Telephone (202) 724-0844.

**SUPPLEMENTARY INFORMATION:** This agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

##### **Subjects of Proposed Rulemaking**

Consideration will be given to a comprehensive revision of Selective Service Regulations that deal with the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). Regulations for the administration by the System of the Freedom of Information Act (5 U.S.C.

552) and the Privacy Act of 1974 (5 U.S.C. 552a) may also be revised.  
**Bernard Rostker,**  
*Director of Selective Service.*  
 May 8, 1981.  
 [FR Doc. 81-14468 Filed 5-12-81; 8:45 am]  
 BILLING CODE 8015-01-M

## VETERANS ADMINISTRATION

### 38 CFR Part 21

#### Veterans Education; Advance Payment of Educational Assistance Allowance

**AGENCY:** Veterans Administration.

**ACTION:** Proposed regulations.

**SUMMARY:** The proposed regulations permit the advance payment of educational assistance allowance to veterans and eligible persons following breaks in enrollment of more than 30 days. Currently, a break must be more than a calendar month before the Veterans Administration may make an advance payment. This has resulted in some instances where a veteran or eligible person could not be paid for the interval between terms and could not receive an advance payment for the next term. This proposal eliminates this inequity.

**DATES:** Comments must be received on or before June 12, 1981. It is proposed to make this proposal effective the date of final approval.

**ADDRESSES:** Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until June 22, 1981.

#### FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, N.W., Washington, DC 20420, (202-389-2092).

**SUPPLEMENTARY INFORMATION:** Sections 21.4136 and 21.4137 are amended to permit the Veterans Administration to make an advance payment of educational assistance allowance to a veteran or eligible person when there are breaks in enrollment of more than 30 days.

The agency has determined that these proposed amendments to these regulations are nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the

Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

#### Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am to 4:30 pm Monday through Friday (except holidays) until June 22, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office, and furnished the address and the above room number.

Approved: April 28, 1981.

Rufus H. Wilson,  
*Acting Administrator.*

Therefore, the Veterans Administration proposes to amend 38 CFR Part 21 as set forth below:

#### § 21.4136 [Amended]

1. Section 21.4236 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and inserting "38 U.S.C. 1780(d)(4)(B) and (C) and (5)" in the first sentence of paragraph (j)(2)(iii).

(b) By revising § 21.4136 paragraph (j)(2)(iv) as follows:

#### § 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(j) *Advance payment.* • • •

(2) *Payment.* • • •

(iv) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(A) Of an ordinary school year, or

(B) Of any other enrollment period which begins after a break of 30 days or more, provided the veteran is not eligible for payment for the break. See § 21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

#### § 21.4137 [Amended]

2. Section 21.4137 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and

inserting "38 U.S.C. 1780(d)(4)(B) and (C) and (5)" in the first sentence of paragraph (g)(4).

(b) By revising § 21.4137 paragraph (g)(5) as follows:

#### § 21.4137 Rates; education assistance allowance; 38 U.S.C. Ch. 35.

(g) *Advance payment.* • • •

(5) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(i) Of an ordinary school year, or

(ii) Of any other enrollment period which begins after a break of 30 days or more, provided the eligible person is not eligible for payment for the break. See § 21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

[FR Doc. 81-14357 Filed 5-13-81; 8:45 am]

BILLING CODE 8320-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

#### [A-3-FRL-1818-5]

#### Commonwealth of Pennsylvania; Proposed Revision of the Pennsylvania State Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Commonwealth of Pennsylvania has submitted a proposed revision of its State Implementation Plan (SIP) for Philadelphia. The changes involve a restructuring of sulfur dioxide (SO<sub>2</sub>) and particulate (TSP) emission limitations to provide for limited resumption of industrial coal burning. This proposal would affect Philadelphia Air Management Regulation II, "Air Contaminant and Particulate Matter Emissions," and Regulation III, "Control of Emissions of Oxides of Sulfur Compounds," and would apply only to sources in Philadelphia County which petition Air Management Services (AMS) for application of these regulations. AMS has submitted, through the Commonwealth, a demonstration intended to show that the Prevention of Significant Deterioration (PSD) increments will not be violated, that the status of any designated National Ambient Air Quality Standards (NAAQS) attainment area will not change, and that reasonable further progress in any designated nonattainment area will not be impeded

as a result of the coal conversions at the two facilities proposed herein.

**DATE:** Comments must be submitted on or before June 12, 1981.

**ADDRESSES:** Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA. 19106, ATTN: Patricia Sheridan (3AH10);

Air Management Services, 801 Arch Street, 6th Floor, Philadelphia, PA. 19107, ATTN: Mr. William Reilly; Pennsylvania Department of

Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA. 17120, ATTN: Mr. James Hambright;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, DC 20460.

All comments on the proposed revision should be directed to: Mr. W. Ray Cunningham, Chief, Air Media & Energy Branch (3AH10), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA. 19106, ATTN: (AH021PA).

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory D. Ham (3AH12), U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA. 19106, Telephone 215-597-2745.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The proposed changes to the Pennsylvania SIP were submitted by Secretary Clifford L. Jones on June 5, 1980. The amendments were approved by the Philadelphia Air Pollution Control Board on December 11, 1979, a public hearing was held on February 19, 1980, and the amendments were reapproved by the Board with revisions on March 11, 1980. The Secretary stated in his submittal letter that procedures for notification and advertisement followed requirements listed under 40 CFR 51.4. The proposed amendments would allow a resumption of coal burning at a limited number of existing industrial boiler facilities that had previously burned and are still capable of burning coal in Philadelphia. Existing sulfur-in-fuel regulations, without provision for emission equivalency, have effectively precluded the burning

of coal. The two-phased emission limitations have been structured to accommodate combination fuel burning (low sulfur coal with low-sulfur oil and/or gas) as an interim approach to full coal burning with application of state-of-the-art control for both particulate matter and sulfur dioxide. This second phase would begin no later than July 1, 1984, and allowable emission limits at the affected facilities would be less than or equivalent to present fuel oil requirements.

#### Description of the Changes

The following section contains a description of the proposed changes to Air Management Regulations II and III.

In Regulation II, Section V (Particulate Matter Emissions From The Burning of Fuels), Subsections 1 and 2, the units of the regulation were changed from lbs. of particulate matter/1000 lbs. of stack gas to lbs. of particulate matter/million Btu gross heat input. In Subsection 3, an interim emission limit for particulate matter of 0.12 lbs./million Btu gross heat input is applied to sources approved for this limitation for the period ending July 1, 1984. The standard regulation limits particulate emissions to 0.20 of a lb./1000 lbs. of stack gas for sources existing prior to the date of adoption of the original regulation, and 0.10 of a lb./1000 lbs. stack gas for units constructed after this date.

Regulation III, Section II (Control of Emissions of Sulfur Compounds), Subsection C establishes methods for compliance determinations for limitations set forth in the proposed revision. These methods are to be standard methods established by AMS, and may include requirements for continuous emission monitoring and minimum data availability for specific sources.

In Section III (Control of Sulfur in Fuels) of Regulation III, Subsection (A)(3) has been rewritten to allow for any existing oil-fired and/or gas-fired industrial boiler installation containing combustion units with individual rated capacities of less than 250 million Btu per hour gross heat input which were originally designed for an capable of burning coal to convert to coal as an alternative or supplemental fuel by petitioning AMS for approval. In such cases, the following limitations would apply:

a. Effective July 1, 1980 SO<sub>2</sub> emissions can not exceed:

(1) An annual average of 0.6 lbs./million Btu gross heat input.

(2) A daily average of 1.0 lbs./million Btu gross heat input more than 2 days in any running 30-day period, and

(3) A daily average maximum of 1.2 lbs./million Btu gross heat input from any combustion unit at any time.

b. Effective July 1, 1984, SO<sub>2</sub> emissions shall not exceed a daily average maximum of 0.5 lbs./million Btu gross heat input from any combustion unit at any time.

Also in Subsection (A)(3), the term "industrial boiler installation" is defined as any stationary steam-generating installation, comprised of one or more fuel combustion units, located within a manufacturing or chemical processing facility and operated to supply heat, process steam and/or power to such facility.

In Subsection (A)(4), the sources who have petitioned AMS approval to convert to coal are listed as:

1. Container Corporation of America, 500 Flat Rock Road, Philadelphia, PA. (Manayunk Industrial District);
2. Publicker Industries, Inc., Delaware Ave. & Bigler Streets, Philadelphia, PA. (South Philadelphia Riverfront Industrial District)

In a review of information accompanying the petitions of these companies, AMS has found that these proposed coal conversions would not jeopardize the attainment or maintenance of any National Ambient Air Quality Standards. Any additional sources requesting to be added to this list will be considered on a case-by-case basis, and would have to be submitted as individual revisions to the Pennsylvania State Implementation Plan.

This request must be accompanied by a demonstration that no standard or air quality increment will be violated as a result of these conversions, and other related information.

Subsection B has been rewritten to include the burning of low-sulfur fuels as an equivalency method at sources where this method is approved by AMS. Previously, only control equipment or processes to reduce SO<sub>2</sub> emissions were acceptable. In addition, a continuous emission monitoring system must be installed and records maintained of this data at sources which are approved for this equivalency provision. Reports of this data, and of fuel-use data, are to be submitted to AMS to determine compliance with this Section. An alternative fuel supply which would comply with the emission limits set forth in this regulation is also required in the event of equipment breakdown or other emergency conditions.

Minor wording and citation changes have been made throughout these regulations. These changes are not specifically discussed in this notice due

to their insignificant affect on the intent of the regulations.

#### EPA Comments

Based on the review to date, EPA has found no major deficiencies with the proposed revision and considers the demonstration adequate. One clarification in the regulations involved the time period to be used in calculating the "daily average maximum" as required in Regulation III, Section III, Subsection (a)(3). AMS has indicated that the intended time period is consistent with that in the Pennsylvania Air Resources Regulations (§ 121.1), which define "daily" as "the discrete 24-hour period from 12 midnight to the next 12 midnight."

The modeling used in this SIP revision in accordance with EPA's Modeling Guideline shows that these emission limits would not cause or contribute to a violation of the NAAQS for sulfur dioxide or particulates, and would not cause significant degradation of air quality in any other State. These emission limits therefore meet the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision to the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact: This action would approve State actions, and would impose no new requirements of its own. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State

SIP changes would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

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

Dated: April 21, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-14274 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

#### 40 CFR Part 60

##### [AD-FRL 1748-3]

#### Standards of Performance for New Stationary Sources; Revisions to the Priority List of Categories

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This action would revise the priority list of major source categories for which new source performance standards (NSPS) are being developed. The list was originally promulgated on August 21, 1979. The proposed revisions include the deletion of 12 categories and a title change for one of the categories. These revisions are based on the results of source category screening studies which have been completed since the list was promulgated.

**DATE: Comments.** Comments must be received on or before July 13, 1981.

**ADDRESSES: Comments.** Comments should be submitted to Central Docket Section (A-130), Attention: Docket No. A-80-23, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

**Docket.** The Docket, number A-80-23, containing all the information that EPA considered in revising the priority list, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

#### Source Category Survey Reports.

The reports listed below may be obtained from the Library Services Office, MD-35, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2777.

A screening study is available for the potash industry which is also proposed for deletion. This study may be obtained from the contact listed below.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Gene W. Smith, Chief, Standards Preparation Section, Development

Branch (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

#### SUPPLEMENTARY INFORMATION:

##### *Source Category Survey Report.*

Source category survey reports are available for the following source categories proposed for deletion:

Borax and Boric Acid Industry—EPA-450/3-80-004

Refractory Industry—EPA-450/3-80-006

Secondary Copper Smelting and Refining Industry—EPA-450/3-80-011

Secondary Zinc Smelting and Refining Industry—EPA-450/3-80-012

Industrial Incinerators—EPA-450/3-80-013

Ammonia Manufacturing Industry—EPA-450/3-80-014

Animal Feed Defluorination Industry—EPA-450/3-80-015

Mineral Wool Manufacturing Industry—EPA-450/3-80-016

Ceramic Clay Industry—EPA-450/3-80-017

Thermal Process Phosphoric Acid Manufacturing Industry—EPA-450/3-80-018

Detergent Industry—EPA-450/3-80-030

#### Background

Section 111(b)(1)(A) of the Clean Air Act requires the Administrator to list those categories of stationary sources that " \* \* \* in his judgment \* \* \* cause[s], or contribute[s] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." A category of sources that meets this criterion is referred to as a "significant contributor." See, *National Asphalt Pavement Association v. Train*, 539 F.2d 775 (D.C. Cir., 1976).

In 1977, Congress amended the Act to require, under Section 111(f), that the Administrator promulgate regulations listing every category of "major" stationary sources which met the significant contributor test of Section 111(b)(1)(A) and which had not already been listed. A "major" source under the Act is one that has the potential to emit 100 tons per year of any air pollutant. Section 302(j). On August 21, 1979, the Administrator promulgated the list of significant contributors required by Section 111(f) (44 FR 49222, 40 CFR 60.16).

Section 111(f) requires the Administrator to promulgate NSPS's for these additional source categories by 1982, and to determine priorities for doing so. Therefore, the August 21, 1979 regulations were promulgated as a "Priority List."

The purpose of this rulemaking is to amend the Priority List to take account of new information developed by the Agency. In particular, further study has shown that there is little or no new plant

growth projected in several source categories. In the Administrator's judgment, Congress did not intend that source categories showing insignificant growth should be listed under the significant contributor test of Section 111(b)(1)(A). The Administrator therefore proposes to delete these categories from the Priority List, as discussed below.

#### Source Category Survey Results

The information used to establish the priority list was obtained from a number of literature sources including EPA screening studies. However, screening studies were not available for many of the source categories at the time the list was initially published. Since promulgation of the priority list, a source category survey has been completed for all 59 listed categories. The source category survey is the initial phase of EPA's NSPS and National Emission Standards for Hazardous Air Pollutants (NESHAP) development process and is a study conducted to characterize the source category and document growth trends, emissions, emission control technology, and other information pertinent to standards development.

Based on information obtained from these studies EPA has concluded that a number of listed categories will have little or no new plant growth, and therefore should not be listed as significant contributors. Since this conclusion is based on current predictions of growth through 1985, EPA plans to review these categories when warranted by new information. If new information shows these or other unlisted categories to be significant contributors, EPA will add them to the list.

Consequently, EPA is proposing the deletion of 12 categories from the priority list. Since the Agency's determination that standards should not be developed for these categories is based on existing conditions in the industry and on predicted growth through 1985, EPA plans to review these categories when warranted by new information and to reassess the need for standards. The source categories proposed for deletion are listed in the following section along with a brief summary of the basis for the decision not to develop standards for each.

#### Source Categories Proposed For Deletion

##### Mineral Wool

The potential growth in the mineral wool industry is small. As fibrous glass has penetrated the insulation market, the number of mineral wool plants in the

U.S. has declined from between 80-90 in the 1950's to 26 operating plants today. In expectation of an increased demand for insulation due to the income tax credit for energy conservation expenditures and the Department of Housing and Urban Development's Minimum Property Standards for new housing, the mineral insulation (fibrous glass and mineral wool) industry expanded about 35 percent during the late 1970's. Present market conditions indicate that the anticipated increase in demand has not developed, and the mineral wool industry is currently operating at 60 percent of capacity. Even though current production capacity far exceeds demand, it is possible that a new mineral wool plant could be built before 1985 in an area of the country where regional competition is not great. However, the Agency considers this growth potential too small to warrant NSPS development for mineral wool.

##### Incineration: Non-Municipal

The non-municipal incineration source category has been subdivided into commercial and industrial incineration. The principal pollutant from incinerators is particulate matter. All segments of the commercial incineration subcategory showed negative growth with the exception of the nursing home/hospital segment. The average commercial incinerator is a very small source, which emits about one ton per year of particulate uncontrolled. The only segment of the industrial incineration subcategory where growth is projected is the motor incineration segment. A typical motor incinerator is also a small source of particulate emissions, emitting about 3.5 tons per year uncontrolled.

##### Secondary Copper

No new plant construction or expansions in the secondary copper industry are projected through 1985. Growth projections indicate that negligible growth will occur at least through 1985 and officials within the industry have stated they have no plans to build new plants or expand existing plants.

##### Potash

No new potash plants, expansions or significant modifications are projected through 1985. Since 1966, domestic potash production has declined by 25 percent and an additional 10 to 15 percent decline in domestic production is expected by 1985.

##### Secondary Zinc

No expansion in the secondary zinc industry's production capacity is projected through 1985. Typically,

existing plants are operating at 50 to 60 percent of capacity and there is additional idle capacity in plants which have ceased zinc production but are still active in related secondary metals. Industry personnel who were contacted were very pessimistic about the prospects for growth and indicated they have no plans for construction. Due to the degree of unutilized capacity and the lack of plans for new construction, it is considered unlikely that there will be any new plants or expansions through 1985.

##### Ammonia

No new ammonia plant construction is expected through 1985. Demand for fertilizer, which has historically required 75 percent of the ammonia production, is expected to grow at an annual rate of 2.5 to 3.0 percent; but, reserve capacity plus an increase in ammonia imports is expected to meet this demand. In addition, continued improvements in technology will allow plants to expand capacity by making only minor process changes. These changes, however, would not be considered modifications under 40 CFR 60.14 as they are not expected to result in an increase in emissions.

##### Ceramic Clay Manufacturing

According to the U.S. Department of Commerce, the ceramic clay industry is expected to have negative growth through 1985. The real annual growth rates are predicted to be -0.5 to -1.0 percent. These projections are based in part on the displacement of ceramics in the U.S. market due to ceramic imports and plastic products and the projected decline in U.S. housing construction. Based on this negative growth and the existence of unutilized production capacity, it is considered unlikely that any new construction will occur through 1985.

##### Castable Refractories

The source category survey revealed that the overall growth potential for the refractory industry is small. Only one company indicated that they were considering construction of a new plant. Based on this fact and the facts that production of refractories is presently at 85 percent of the industry's peak capacity and demand for refractories is not expected to increase, EPA does not believe that an NSPS for the refractory industry is warranted.

##### Borax and Boric Acid

In 1977 the borax and boric acid industry began an expansion and modification program in response to an

18 percent increase in demand. These new production facilities, which are scheduled to be operational in 1980, are adequate to meet the increasing demand for borax and boric acid through 1985. Industry officials have confirmed that no new plant construction or expansion is expected through 1985.

#### Phosphoric Acid

**Thermal Process**—There are 20 plants in the U.S. which currently produce thermal process phosphoric acid. Since 1968, nine plants have closed, and two plants have opened. The decline in production since 1968 has largely resulted from a decreased demand by the detergent market, which utilizes nearly 50 percent of thermal process acid. The utilization of production capacity in the industry is currently below 50 percent and is expected to deteriorate further by 1982.

Manufacturers indicate that no new activities, significant process changes, or reconstructions are anticipated through 1990.

Based on this negligible growth, the Agency believes that an NSPS for the thermal process phosphoric acid manufacturing industry is not warranted.

#### Animal Feed Defluorination

The potential for growth in the animal feed defluorination industry is small. Only three domestic plants exist and all are located in Florida. Any new construction through 1985 would probably be in the form of an expansion at one of these existing plants. The best demonstrated control (a fabric filter or wet scrubber) is already used at each plant and the Florida State regulations will continue to make this control a practical necessity.

#### Detergent

No new facilities or reconstructions are expected in the detergent industry through 1985. The spray drying operation is the principal emission source in the detergent industry. Since the industry is currently operating at 60 percent of capacity, no new spray dryers are expected to be installed for at least the next ten years. In addition, because the life of spray dryers is considered indefinite, no spray dryer reconstructions are expected.

#### Other Revisions to Priority List

In addition to the deletions described in the preceding section, EPA proposes to change the title of the source category currently listed as "Sintering: Clay and Fly Ash" (No. 32 on the priority list). Information obtained from the source category survey indicated that no fly ash

sintering facilities are currently operational and that no plant openings are expected through 1985. Therefore, fly ash sintering will not be included in the source category to be investigated. However, shale and slate, materials similar to clay, are sintered, calcinated, or roasted by the same processes as clay and for the same end uses. Therefore, these materials will be included in the source category. Materials such as vermiculite, perlite, slag, and natural pumice are not processed in the same manner as clay, shale, and slate and will not be included in the source category. Consequently, to more accurately represent the actual scope of the "Sintering: Clay and Fly Ash" source category, the category is being retitled "Lightweight Aggregate Industry: Clay, Shale, and Slate."

#### Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. The rule will not impose burdens on any person.

Dated: April 30, 1981.

Walter C. Barber,

Acting Administrator.

It is proposed to amend 40 CFR Part 60 by revising § 60.16 of Subpart A as follows:

#### § 60.16 Priority list.

##### Prioritized Major Source Categories

###### Priority Number<sup>1</sup>

###### Source Category

1. Synthetic Organic Chemical Manufacturing
  - (a) Unit processes
  - (b) Storage and handling equipment
  - (c) Fugitive emissions sources
  - (d) Secondary sources
2. Industrial Surface Coating: Cans
3. Petroleum Refineries: Fugitive Sources
4. Industrial Surface Coating: Paper
5. Dry Cleaning
  - (a) Perchloroethylene

<sup>1</sup> Low numbers have highest priority, e.g., No. 1 is high priority, No. 59 is low priority.

- (b) Petroleum solvent
- 6. Graphic Arts
- 7. Polymers and Resins: Acrylic Resins
- 8. Mineral Wool (Deleted)
- 9. Stationary Internal Combustion Engines
- 10. Industrial Surface Coating: Fabric
- 11. Fossil-Fuel-Fired Steam Generators: Industrial Boilers
- 12. Incineration: Non-Municipal (Deleted)
- 13. Non-Metallic Mineral Processing
- 14. Metallic Mineral Processing
- 15. Secondary Copper (Deleted)
- 16. Phosphate Rock Preparation
- 17. Foundries: Steel and Gray Iron
- 18. Polymers and Resins: Polyethylene
- 19. Charcoal Production
- 20. Synthetic Rubber
- (a) Tire manufacture
- (b) SBR production
- 21. Vegetable Oil
- 22. Industrial Surface Coating: Metal Coil
- 23. Petroleum Transportation and Marketing
- 24. By-Product Coke Ovens
- 25. Synthetic Fibers
- 26. Plywood Manufacture
- 27. Industrial Surface Coating: Automobiles
- 28. Industrial Surface Coating: Large Appliances
- 29. Crude Oil and Natural Gas Production
- 30. Secondary Aluminum
- 31. Potash (Deleted)
- 32. Lightweight Aggregate Industry: Clay, Shale, and Slate<sup>2</sup>
- 33. Glass
- 34. Gypsum
- 35. Sodium Carbonate
- 36. Secondary Zinc (Deleted)
- 37. Polymers and Resins: Phenolic
- 38. Polymers and Resins: Urea-Melamine
- 39. Ammonia (Deleted)
- 40. Polymers and Resins: Polystyrene
- 41. Polymers and Resins: ABS-SAN Resins
- 42. Fiberglass
- 43. Polymers and Resins: Polypropylene
- 44. Textile Processing
- 45. Asphalt Roofing Plants
- 46. Brick and Related Clay Products
- 47. Ceramic Clay Manufacturing (Deleted)
- 48. Ammonium Nitrate Fertilizer
- 49. Castable Refractories (Deleted)
- 50. Borax and Boric Acid (Deleted)
- 51. Polymers and Resins: Polyester Resins
- 52. Ammonium Sulfate
- 53. Starch
- 54. Perlite
- 55. Phosphoric Acid: Thermal Process (Deleted)
- 56. Uranium Refining
- 57. Animal Feed (Defluorination) (Deleted)
- 58. Urea (for fertilizer and polymers)
- 59. Detergent (Deleted)

##### Other Source Categories

Lead acid battery manufacturer<sup>3</sup>

Organic Solvent Cleaning<sup>3</sup>

Industrial surface coating: metal furniture<sup>3</sup>

Stationary gas turbines<sup>4</sup>

<sup>2</sup> Formerly titled "Sintering: Clay and Fly Ash."

<sup>3</sup> Minor source category, but included on list since an NSPS is being developed for that source category.

<sup>4</sup> Not prioritized, since an NSPS for this major source category has already been promulgated.

Section 111, 301(a), Clean Air Act as amended [42 U.S.C. 7411, 7601]  
 [FR Doc. 81-14194 Filed 5-12-81; 8:45 am]  
 BILLING CODE 6560-26-M

#### 40 CFR Part 62

[A-10-FRL 1794-2]

##### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Idaho

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is today giving notice of its intention to approve a certification submitted by the State of Idaho Department of Health and Welfare for a negative declaration for a certain source category under Section 111(d) of the Clean Air Act, as amended. Section 111(d) requires EPA to establish procedures under which States submit plans to control certain existing sources of certain pollutants. The public is invited to comment on the proposed negative declaration.

**DATE:** Comments will be accepted up to June 12, 1981.

**ADDRESSES:** The relative material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-79-10).

West Tower Lobby, Gallery I,  
 Environmental Protection Agency, 401  
 M Streets, S.W., Washington, D.C.  
 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

Comments should be forwarded to:  
 Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

**FOR FURTHER INFORMATION CONTACT:**  
 George C. Hofer, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1125; FTS: 399-1125.

**SUPPLEMENTARY INFORMATION:** Section 111(d) of the Clean Air Act, as amended, requires EPA to establish procedures under which States submit plans to control certain existing sources of certain pollutants. On November 17, 1975 (40 FR 53340), EPA began to implement Section 111(d) by promulgating Subpart B of 40 CFR Part 60, establishing procedures and requirements for adoption and submittal of State plans for control of "designated

pollutants" from "designated facilities." Designated pollutants are those not already listed under Section 108(a) of the Act (National Ambient Air Quality Standards) or Section 112(b)(1)(A) (Hazardous Air Pollutants), but for which standards of performance for new source have been established under Section 111(b) (Standards of Performance for New Stationary Sources).

If a State does not have a designated facility within its borders, a State may submit a certification of negative declaration in lieu of a control plan. The State of Idaho has submitted such certification for a designated pollutant.

Interested parties are invited to comment on all aspects of this proposed negative declaration. Comments should be submitted to the addresses listed above. Public comments postmarked by (30 days after publication) will be considered in any final action EPA takes on this proposal.

Under Executive Order 112291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because it identifies that a State plan is not needed. Thereby, reducing further regulatory requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. A copy of this certification is available in the docket for this rulemaking.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Part 62 of Chapter I, Title 40 Code of Federal Regulations is proposed to be amended by adding § 62.3100 as follows:

#### Subpart N—Idaho

##### Fluoride Emissions From Existing Primary Aluminum Plants

###### § 62.3100 Identification of plan—negative declaration.

The Idaho Department of Health and Welfare submitted on February 23, 1981, certification that there are no existing primary aluminum plants in the State subject to Part 60, Subpart B of this Chapter.

(Section 111 and 301(a), Clean Air Act, as amended [42 U.S.C. 7413 and 7601])

Dated: March 20, 1981.

Donald P. Dubois,  
*Regional Administrator.*

##### Certification of no Significant Impact on a Substantial Number of Small Entities

Regulation: Proposed Approval of Idaho Negative Declaration for Existing Primary Aluminum Plants [Clean Air Act Section 111(d)].

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action will impose no new regulatory requirements, but instead will exempt the State of Idaho from the requirements of Subpart B of 40 CFR Part 60 for this particular designated pollutant.

Dated: May 7, 1981.

Walter C. Barber, Jr.,  
*Acting Administrator.*  
 [FR Doc. 81-14356 Filed 5-12-81; 8:45 am]  
 BILLING CODE 6560-38-M

#### 40 CFR Part 81

[A-5-FRL 1814-5]

##### Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Minnesota

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On November 7, 1980, the State of Minnesota, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested that EPA change the total suspended particulate (TSP) designation for the Cities of Duluth and International Falls, Minnesota. The State has requested EPA to change the designation of the City of International Falls from nonattainment for the primary TSP standard to nonattainment for the secondary TSP standard. The State has requested EPA to reduce the size of the Duluth primary nonattainment area and to designate those portions of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard as described below. EPA has reviewed the redesignation requests and the data submitted by the State to support the requests and proposes to redesignate the Cities of Duluth and International Falls, Minnesota.

The purpose of today's notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, to propose rulemaking action on the redesignation request, and to invite public comment either on the

redesignation request and on EPA's proposed rulemaking.

**DATE:** Comments on these redesignations and on EPA's rulemaking action are due June 12, 1981.

**ADDRESS:** Send comments to Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available at the address given above and at: Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

**FOR FURTHER INFORMATION CONTACT:** Richard Clarizio, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone 312-886-6029.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) which directed each state to submit to the Administrator of the EPA a list of those areas within the state which had ambient air concentrations of the pollutants sulfur dioxide ( $SO_2$ ), total suspended particulates (TSP), nitrogen oxides ( $NO_x$ ), carbon monoxide (CO) and ozone ( $O_3$ ) which exceeded the EPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations below the NAAQS level were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified areas.

The purpose of making these designations was to determine which areas within the state required additional measures to control and reduce the emissions of these five air pollutants. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the state to submit a revised State Implementation Plan (SIP) by January 1, 1979. The revised SIP for TSP was to provide for sufficient reductions in the ambient air concentrations of TSP to ensure attainment of the TSP NAAQS by December 31, 1982.

In the March 3, 1978 Federal Register (43 FR 8962) and in the October 5, 1978 Federal Register (43 FR 45993), the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each state. These lists also contained classifications for the attainment and unclassified areas within the state. In Minnesota, the Cities of Duluth and International Falls, among others, were designated in the October 5, 1978 Federal Register as nonattainment for the primary TSP standard.

A violation of the primary TSP NAAQS occurs when, in a calendar year, the monitored concentration of TSP violates either the annual or the 24-hour allowable levels. A violation of the annual primary standard occurs when the geometric mean value of monitored TSP concentrations is in excess of 75 micrograms per cubic meter of air ( $75\mu g/m^3$ ). A violation of the 24-hour primary standard occurs when the maximum 24-hour concentration of TSP exceeds  $280\mu g/m^3$  more than once in a calendar year. A violation of the secondary TSP NAAQS occurs when the maximum 24-hour concentration exceeds  $150\mu g/m^3$  more than once in a calendar year.

Pursuant to Section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exist to warrant a redesignation. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria," Richard G. Rhoads, then Director of EPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are either (1) eight consecutive quarters of recent ambient air quality data which show no violation of the appropriate NAAQS; or (2) four consecutive quarters of the most recent ambient air quality data which show no violation of the appropriate NAAQS and which show air quality improvement. The demonstration of air quality improvement must be a result of legally enforceable emission reductions.

The State of Minnesota on November 7, 1980 requested EPA to change the primary TSP nonattainment designation for the Cities of Duluth and International Falls, Minnesota. A synopsis of EPA's review of the proposed changes and EPA's rulemaking action is presented below.

#### International Falls

The State of Minnesota has requested EPA to change its designation for the

City of International Falls, from primary nonattainment to secondary nonattainment for TSP. This request is based on monitoring data which shows that during the years 1978, 1979, and the first half of 1980, the air quality of International Falls improved to the point where there were no violations of the primary TSP NAAQS for either the 24-hour or annual periods. There were, however, numerous violations of the secondary TSP NAAQS. EPA has determined that the data collected at the monitors in International Falls are representative of the air quality in the area and are acceptable for the purposes of redesignating the area. Thus, EPA proposes to redesignate the City of International Falls, Minnesota, as a secondary nonattainment area for TSP.

Duluth

The entire City of Duluth is presently designated as a primary TSP nonattainment area. The State has requested EPA to reduce the area of primary TSP nonattainment to include only the following area within the City:

Starting point is the south corner of the Duluth Arena. Go northwest on Commerce Street to I-35 corridor. Continue northeast on proposed I-35 corridor to Second Avenue East. Continue northwest on Second Avenue East to Superior Street (Minnesota U.S. 61). Go southwest on Superior Street to I-35 corridor. Follow I-35 corridor to 41st Avenue West. Continue southeast on 41st Avenue West to dock line. Follow dock line and harbor lines to the south corner of the Duluth Arena.

The State has requested that the area within the City encompassed by the following boundaries be designated as a secondary TSP nonattainment area:

Starting point is Superior Street and Second Avenue East. Go northwest on Second Avenue East to Second Street (Minnesota 281). Continue southwest on Second Street to Fourth Avenue West. On Fourth Avenue West go northwest to Third Street. Continue southwest to Mesaba Avenue. On Mesaba Avenue go south to Second Street. Go southwest on Second Street to Eighth Avenue West.

On Eighth Avenue West continue southeast to First Street. Follow First Street southwest to Tenth Avenue West. On Tenth Avenue West go northwest to Second Street. Continue southwest on Second Street to 14th Avenue West. On 14th Avenue West go southeast to First Street. Follow First Street southwest to 17th Avenue West. Go northwest on 17th Avenue West to Second Street. On Second Street continue southwest to 30th Avenue West. Follow 30th Avenue West to Vernon Street. Continue west on Vernon Street to Grand Avenue. On Grand Avenue go southwest to 34th Avenue West. On 34th Avenue West continue southeast to Second Street. From Second Street go southwest to the Northern Pacific Railway.

Line. Follow the Northern Pacific Railway Line to 61st Avenue West. From 61st Avenue West go to the dock line. Follow the dock line to 41st Avenue West. On 41st Avenue West continue northwest to the I-35 corridor. Go northeast along the I-35 corridor to Superior Street (Minnesota—U.S. 81). On Superior Street go northeast to Second Avenue East.

The State has requested that the remaining portions of the City be designated as attainment.

To support these changes in the area's designation the State submitted monitored air quality data from the years 1978, 1979 and the first half of 1980. The last eight quarters of the monitored data show that there were no recorded violations of the primary TSP NAAQS in the proposed secondary nonattainment area. The last eight quarters of monitoring data for the proposed attainment area indicate that there were no violations of either the primary or the secondary TSP NAAQS.

After reviewing the monitoring data submitted for the area, EPA has determined that the redesignation is appropriate. Therefore, EPA proposes to reduce the area within the City of Duluth which is an area designated as primary nonattainment to that area described above. Furthermore, EPA proposes to designate the remainder of Duluth as either attainment or secondary nonattainment according to the boundaries specified above.

A thirty-day comment period is being provided to enable publication of final action on these redesignations as soon as possible. Expedited final action is desired since it may alleviate some of the statutory growth restrictions imposed by Section 110(a)(2)(I) of the Clean Air Act.

Pursuant to Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore subject to the requirement of preparing a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of the redesignation from primary to secondary nonattainment will be dealt with in a separate notice. This action was submitted to the Office of Management Budget (OMB) for review as required by the Order.

The Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an attainment status

redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: April 7, 1981.

Valdas V. Adamkus,  
Acting Regional Administrator.

[FR Doc. 81-14391 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-82

#### 40 CFR Part 81

[A-5-FRL-1817-7]

#### Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** On November 26, 1980 the State of Ohio, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested that the U.S. Environmental Protection Agency (EPA) change the total suspended particulate (TSP) designation for Henry County from primary nonattainment to attainment. EPA has reviewed the redesignation request and the data submitted by the State to support the request and proposes to redesignate Henry County as attainment.

The purpose of today's notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, to propose rulemaking action on the redesignation request and to invite public comment on the redesignation request and EPA's proposed rulemaking.

**DATE:** Comments on the redesignation and on U.S. EPA's rulemaking action are due June 12, 1981.

**ADDRESS:** Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available at the address given above and at:

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

Copies of the submission are also available at:

Ohio Environmental Protection Agency,  
P.O. Box 1049, 361 East Broad Street,  
Columbus, Ohio 43216.

#### FOR FURTHER INFORMATION CONTACT:

Sharon Kraft, Air Programs Branch,  
Region V, U.S. Environmental Protection  
Agency, 230 South Dearborn Street,  
Chicago, Illinois 60604, (312) 886-6036.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each State to submit to the Administrator of EPA a list of those areas within the State which had ambient air concentrations of the pollutants sulfur dioxide ( $SO_2$ ), total suspended particulates (TSP), nitrogen oxides ( $NO_x$ ), carbon monoxide (CO) and ozone ( $O_3$ ) which exceeded the EPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each State which had ambient air concentrations below the NAAQS level were to be designated as attainment. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified. The purpose of making these designations was to determine which areas within the State required additional air pollution control measures to ensure attainment of the appropriate NAAQS by December 31, 1982.

In the March 3, 1978 Federal Register (43 FR 8962) and in the October 5, 1978 Federal Register (43 FR 45993) the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State. Henry County, Ohio was designated as nonattainment for the TSP NAAQS.

Section 107(d) of the Act permits EPA to change the designation for an area whenever sufficient data exist to warrant such a change. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria", Richard G. Rhoads, then Director of EPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS.

On November 28, 1980 the State of Ohio requested EPA to revise the TSP nonattainment designation for Henry County to attainment. To support its request, Ohio submitted TSP monitoring data from the most recent available ten calendar quarters collected during the period January, 1978 through June 1980. These quality assured data were collected at a monitor located near the only major sources of TSP in the County. These data are representative of TSP concentrations in Henry County since the monitor was correctly located relative to these sources. The data showed no violation of either the primary or secondary TSP NAAQS. Therefore, EPA has determined that the redesignation is appropriate and is proposing to redesignate Henry County as attainment for TSP. It should be noted that, if this area is redesignated as attainment, the State would no longer be required to implement the additional air pollution control measures required in nonattainment areas.

All interested persons are invited to submit written comments on the proposed redesignation. Comments should be submitted to the address listed in the front of this notice. Comments received on or before (30 days from date of publication) will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator 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 imposes no regulatory requirements but only changes an air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, U.S. EPA must determine whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rulemaking and determined that it is not a major rule because U.S. EPA is revising an air quality designation at the request of the State of Ohio and not imposing new requirements. Moreover, this action may alleviate some of the statutory growth restrictions imposed by section 110(a)(2)(I) of the Clean Air Act. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 107 of the Clean Air Act, as amended.)

Dated: April 22, 1981.  
**Valdas V. Adamkus,**  
*Acting Regional Administrator.*  
 [FIR Doc. 81-14458 Filed 3-12-81; 8:45 am]  
**BILLING CODE 6560-26-M**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2, 21, and 74

[Gen. Docket No. 81-272; RM-2667; FCC 81-184]

#### Amendment of the Commission's Rules To Make a Certain Frequency Band Available for Television Pickup on a Secondary Basis to the Local Television Transmission Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In response to a petition from the National Association of Broadcasters, this item proposes that the Broadcast Auxiliary Service's television pickup share on a secondary basis the 6425-6525 MHz frequency band with Common Carrier's Local Television Transmission Service. The Commission is taking the action to help eliminate some of the congestion existing in the major markets.

**DATES:** Comments are due on or before June 19, 1981 and reply comments are due on or before July 6, 1981.

**ADDRESS:** Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Thomas/Mr. George Sarver, Office of Science and Technology, 1919 M Street NW., Washington, D.C. 20554, (202) 653-8171.

#### SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: May 5, 1981.

In the Matter of Amendment of Parts 2, 21 and 74 of the Commission's Rules and Regulations to make the 6425-6525 MHz band available for Television Pickup on a secondary basis to the Local Television Transmission Service. Gen. Docket No. 81-272, RM-2667.

By the Commission:

1. The Commission has before it a petition from the National Association of Broadcasters (NAB) requesting the Commission to amend its Rules to allocate the frequency band 6425-6525 MHz to the Broadcast Auxiliary Service (BAS), for TV pickup use, on a coequal basis with common carrier Local Television Transmission Service (LTTS) to which the band is presently allocated on an exclusive basis.

2. Petitioner claims that the additional spectrum is needed because the current allocations for TV pickup are becoming congested in the major markets; the advent and growing interest in electronic newsgathering (ENG) has greatly increased the TV pickup growth rate and this is putting additional pressure on the bands allocated for TV pickup; and because of the growing cost and inconvenience of hiring a common carrier to provide TV pickup service. The petitioner also argues that the 6425-6525 MHz band can be effectively shared with the LTTS operators with minimal impact since they are basically the same type of service, the band is presently lightly loaded, and the LTTS operators have other bands allocated for their use and may also use any frequency allocated to the BAS to provide TV pickup service for broadcasters.

3. Comments were filed by American Broadcasting Companies, Inc. (ABC), CBS, Inc. (CBS), National Broadcasting Company, Inc. (NBC), American Telephone and Telegraph Company (AT&T), and a joint statement from the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS).

4. ABC, CBS, and NBC support the petition and urge quick Commission action to help eliminate some of the congestion they claim now exists in the major markets. The joint comments from CPB and PBS also support the petition but request the Commission go a step further and make the band available not only for TV pickup use but for all broadcast auxiliary services.

5. AT&T is opposed to the Petition on the grounds that the 6425-6525 MHz band is needed on an exclusive basis by the common carriers. It argues that common carriers have the responsibility of providing TV pickup service for non-broadcast TV pickup users as well as broadcast users and that this is the only band exclusively allocated for LTTS use. AT&T also argued that neither the petition nor the statements of support have made an adequate showing of need.

6. We agree with AT&T that the petitioner has failed to make an adequate showing of need since the claims of congestion and increased growth rate are largely unsupported in the petition. Our own analysis of the four BAS bands reveals that the 6875-7125 MHz and 12.7-12.95 GHz bands have an average of 244 and 278<sup>1</sup>

<sup>1</sup>The 12.7-12.95 GHz band is shared with cable television relay operations to which the majority of assignments in this band are made.

assignments per channel respectively, compared to an average loading of 160 and 41 assignments per channel in the 1990-2110 MHz and 12.95-13.25 GHz bands respectively. This analysis provides only the average per channel loading, but indicates that there is still room for growth in two of the bands on a nationwide basis.<sup>2</sup> It does not reveal, however, the conditions in the top major television markets. Therefore, we attempted to analyze the top markets with the limited data available. This analysis indicates that there may be congestion in the larger metropolitan areas. Further, our analysis confirms the petitioner's claim of a high growth rate in the BAS bands in the last few years (the overall number of TV pickup assignments has increased by about 21% per year for the past two years).

7. With regard to the LTTS band (6425-6525 MHz), we also find that nationwide there is a total of about 1200 transmitters authorized for an average of about 300 per channel. Our study indicates light use of this band even with the large number of authorized transmitters. Further our study indicates that over 60 percent of the operations in this band are for broadcast purposes.

8. The petitioner has noted that allowing broadcasters to share the band would give them the option of using their own equipment to provide remote pickup service, thereby avoiding the cost and inconvenience associated with the use of common carrier service. Further, as the petitioner noted, it will give the broadcasters greater flexibility in achieving improved service by reducing the lead time that would be required by a common carrier to respond to a request for service. We believe this to be a valid argument and we agree with the petitioner that as long as the same type of service is being provided, and as long as there are no other conflicting reasons, broadcasters should have the option of using their own equipment when they use the band.

9. Since we share AT&T's concern regarding the need for adequate spectrum for common carrier use to provide remote pickup service for non-broadcast operations we are proposing to allow BAS remote pickup operations to share the 6425 to 6525 MHz band on a secondary basis to the LTTS.<sup>3</sup> This

would allow broadcasters to use their own equipment in this band without preempting common carrier usage of the band. We feel that sharing the band in this manner would be in the public interest and in keeping with the Commission's policy of promoting more efficient spectrum utilization.

10. We are proposing to deny CPB and PBS's requests to allow BAS fixed operations in this band. This is due to the limited number of channels in this band combined with the basic technical incompatibility between fixed and mobile operations. It would take only a few fixed operations in any one area to greatly restrict mobile operation which would be a detriment to both the LTTS and BAS remote pickup services.

11. In summary, it appears that the BAS bands may be congested in the larger cities. Additionally, there appears to be no valid reason for requiring broadcasters who use the 6425-6525 MHz LTTS band to do so only through a common carrier. Based on the Petition and comments thereto and the staff's investigation, we believe it is in the public interest to grant the petition to the degree stated above and amend the Rules as proposed in the attached Appendix.

12. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (Other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above

must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules.

13. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, Public Law 96-354, we find that the proposed action herein would not have, if adopted, a significant economic impact on a substantial number of small businesses. The spectrum reallocation proposed herein would only provide broadcast stations of whatever size the option to operate their remote pickup stations in the 6425-6525 MHz band. As noted elsewhere, this option already exists in other BAS bands. Moreover, because the broadcast use of the spectrum will be on a secondary basis, the effect on existing users will be negligible.

14. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in § 1.415 of the Rules, interested persons may file comments on or before May 29, 1981, and reply comments on or before June 15, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

15. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street N.W. in Washington, D.C.

16. For further information concerning this document, contact Fred Thomas (202) 653-8171 or George Sarver (202) 653-7434.

[Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 507]

<sup>2</sup>It should be noted, however, that the Commission had adopted a Report and Order in Docket No. 21505 (FCC 79-309) (45 FR 78689) granting cable television relay operations the right to be licensed in the 12.95-13.25 GHz band on a coequal basis with the BAS.

<sup>3</sup>Two examples of possible non-broadcast remote pickup operations are (1) closed circuit transmission of a boxing match, and (2) a medical conference between two hospitals.

Federal Communications Commission.  
William J. Tricarico,  
Secretary.  
Attachment: Appendix.

#### Appendix

Proposed changes to the Rules are as follows:

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 2.106 is amended by adding a new footnote NG122 in the band 6425-6525 in Column 7, as follows:

##### § 2.106 Table of Frequency Allocations.

	7	8	9
6425-6525	MOBILE.....	Common carrier land. (NG122).....	Common carrier mobile.
•	•	•	•
•	•	•	•
•	•	•	•

B. In the list of footnotes immediately following the table in § 2.106, a new footnote NG122 is added to read as follows: NG122 Television Pickup stations may be authorized in the 6425-6525 MHz band on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

#### PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

2. Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 21.801 is amended in paragraph (a) by adding footnote 8 as follows:

##### § 21.801 Frequencies.

(a) Frequencies in the following bands are available for assignment to television pickup and television non-broadcast pickup stations in this service:

6,425-6,525 MHz<sup>6</sup>  
11,700-12,200 MHz<sup>8</sup>  
13,200-13,250 MHz<sup>1</sup>  
21,200-22,000 MHz<sup>1245</sup>  
22,000-23,600 MHz<sup>125</sup>

This frequency band is shared with television pickup stations licensed under Part 74 of the Commission's Rules.

#### PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

3. Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 74.602 is amended in paragraph (a) by adding to the authorized frequencies of Band B and adding footnote 2 as follows:

##### § 74.602 Frequency assignments.

• \* \* \* \*

Band B

MHz

\*6425-6450

\*6450-6475

\*6475-6500

\*6500-6525

6875-6900

6900-6925

6925-6950

6950-6975

6975-7000

7000-7025

7025-7050

7050-7075

7075-7100

7100-7125

• \* \* \* \*

[FRC Doc. 81-14415 Filed 5-12-81; 8:45 am]

BILLING CODE 8712-01-M

#### 47 CFR Part 73

[BC Docket No. 81-154; RM-3692]

#### FM Broadcast Station in Ansley, Ala.; Order Extending Time for Filing Comments and Reply Comments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment and reply comment period.

**SUMMARY:** Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Ansley, Alabama, in response to a request filed by Talton Broadcasting Company, licensee of FM Station WTUN, Selma, Alabama. Additional time is requested to review and evaluate technical details of the proposal.

**DATES:** Comments must be filed on or before June 3, 1981, and reply comments on or before June 24, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

\*This frequency band may be assigned to television pickup stations only and on a secondary basis to the Local Television Transmission Service licensed under Part 21 of the Commission's Rules.

#### SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ansley, Alabama); order extending time for filing comments and reply comments.

Adopted: May 1, 1981.

Released: May 5, 1981.

By the Chief, Policy and Rules Division:

1. On March 6, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 17809 (published March 20, 1981), in the above-entitled proceeding. The dates for filing comments and reply comments are May 4, and May 25, 1981, respectively.

2. On April 28, 1981, counsel for Talton Broadcasting Company, licensee of FM broadcast Station WTUN, Selma, Alabama, filed a request seeking an extension of time for filing comments to and including June 3, 1981. Counsel states that the extension is necessary to complete its review and evaluation of the technical details of the proposed allocation since Ansley's precise location is unclear to Talton, and based upon the coordinates of the proposed transmitter site, a co-channel separation problem may exist. Counsel also states that the request is necessitated by other commitments of counsel in several ongoing proceedings.

3. We are of the view that under these circumstances additional time is warranted. Such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 81-154 (RM-3692) are extended to and including June 3, and June 24, 1981, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FRC Doc. 81-14446 Filed 5-12-81; 8:45 am]

BILLING CODE 8712-01-M

#### 47 CFR Part 73

[BC Docket No. 81-325; RM-3711]

#### FM Broadcast Station in Delta, Colo.; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes the substitution of Class C FM Channel 236 for Channel 237A in Delta, Colorado, and the modification of the permit for Station KDTA-FM in Delta, to specify operation on Channel 236. The rule making is initiated in response to a petition filed by Jimmie D. and Ruth M. Gober d/b/a Delta Radio Company.

**DATES:** Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

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

**FOR FURTHER INFORMATION CONTACT:**

Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Station, (Delta, Colorado), BC Docket No. 81-325, RM-3711.

Adopted: May 1, 1981.

Released: May 12, 1981.

**1. Petitioner, Proposal, Comments.** (a) A petition for rulemaking<sup>1</sup> was filed by Jimmie D. and Ruth M. Gober, d/b/a Delta Radio Company ("petitioner"), requesting the substitution of Class C FM Channel 236 for Channel 237A at Delta, Colorado. Petitioner, the permittee of Station KDTA-FM, Delta, also requests that its permit be modified to specify operation on Channel 236. No comments on the petition were received.

(b) Channel 236 can be assigned to Delta in compliance with the minimum distance separation requirements with a site restriction of at least 18.2 kilometers (11.3 miles) northwest of the community.

**2. Demographic Data—(a) Location.** Delta, seat of Delta County, is located in western Colorado, approximately 288 kilometers (180 miles) southwest of Denver, Colorado.

**(b) Population.** Delta—3,964;<sup>2</sup> Delta County—15,300.

**(c) Local aural broadcast service.** Delta is currently served by one AM station, licensed to petitioner, and a construction permit has been issued to petitioner for a Class A FM station on Channel 237A.

**3. Economic Considerations.** According to the Department of Planning and Survey for the State of Colorado, as restated in the petition, the population of Delta County is expected to increase by 41.1 percent from 1970 to

1980, and by 63 percent from 1980 to 1990. Most of this growth is expected to occur outside of the current city limits of Delta, however. Petitioner concludes, therefore, that there is a great need for a Class C channel to serve the outlying areas of Delta County. Petitioner states that as the county seat, Delta hosts most of the government activities and shopping in Delta County. A new synthetic fuels plant is also scheduled to begin operations in Delta in the near future.

**4. Preclusion Study.** The substitution of Channel 236 for Channel 237A will cause preclusion on Channels 233, 234, 235, 236, 237A, 238, and 239. Petitioner's study included the assignment of Channel 237A at Delta. Petitioner picked three communities from the precluded areas and demonstrated that several alternate channels were available for assignment to those communities. Inductive reasoning leads petitioner to conclude that additional channels are available throughout the area of preclusion. In its comments in response to this *Notice*, petitioner should present further engineering information concerning the availability of additional channels in other precluded communities, without the inclusion of Channel 237A which would be deleted under the proposal.

**5. Additional Considerations.** The Commission as a general matter does not assign high-power Class C channels to communities as small as Delta without a determination that the channel would provide first or second service to surrounding unserved or underserved areas. In this regard, a staff study indicates that at least four FM stations place a 60 dBu or better signal over Delta.<sup>3</sup> Petitioner should present further justification for the requested assignment by providing *Roanoke Rapids/Anamosa* data in its supporting comments.<sup>4</sup> Petitioner did refer to the existence of some second nighttime aural service but no showing to this effect was provided.

**6. At the present time, no other person** has expressed an interest in the proposed Class C channel at Delta. Therefore, we are proposing to modify the permit of Station KDTA-FM to specify operation on Channel 236. However, in accordance with Commission policy as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another interest in the

assignment become apparent, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

**7. An Order to Show Cause** to the petitioner is not necessary since consent to the modification of its permit is indicated by its request for the Class C channel.

**8. In light of the above, the Commission proposes, to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, for the community listed below as follows:**

City	Channel No.	
	Present	Proposed
Delta, Colorado	237A	236

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

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

**10. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.**

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

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

<sup>1</sup>Public Notice of the petition was given August 8, 1980, Report No. 1242.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

<sup>3</sup>The four stations providing such coverage are: KQIX, Grand Junction, Colorado; KUBC and KWDE, Montrose, Colorado; and KDTA-FM, Delta, Colorado.

<sup>4</sup>*Roanoke Rapids, North Carolina*, 9 F.C.C. 2d 672 (1967); *Anamosa, Iowa*, 46 F.C.C. 2d 520 (1974).

Federal Communications Commission.  
Henry L. Baumann,  
Chief, Policy and Rules Division, Broadcast  
Bureau.

## Appendix

[BC Docket No. 81-325, RM-3711]

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

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

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

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

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

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

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

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four

copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

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

[FRC Doc. 81-14448 Filed 5-12-81: 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR PART 73

[BC Docket No. 81-323; RM-3757]

## FM Broadcast Station in Sandpoint, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

## ACTION: Proposed Rule.

**SUMMARY:** This action proposes the assignment of FM Channel 221A to Sandpoint, Idaho, as that community's second FM assignment at the request of Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso d.b.a. Tri-County Broadcasting.

**DATES:** Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

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

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

## SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Sandpoint, Idaho), BC Docket No. 81-323, RM-3757.

Adopted: May 1, 1981.

Released: May 11, 1981.

1. *Petitioner, proposal, comments.* (a) A petition for rulemaking<sup>1</sup> was filed by Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso d.b.a. Tri-County Broadcasting ("petitioner"), requesting the assignment of FM Channel 221A to Sandpoint, Idaho, as that community's second FM assignment.

(b) Channel 221A can be assigned to Sandpoint in accordance with the Commission's minimum distance separation requirements. However, the channel requires site restriction of approximately 8.7 kilometers (5.4 miles) south of the community in order to avoid short-spacing with Channel 221A in Moyie, British Columbia, Canada.

(c) Petitioner states that if Channel 221A is assigned to Sandpoint, it will

apply for authority to build and operate a station. No other comments on the petition were received.

2. *Demographic Data—(a) Location.*

Sandpoint, the seat of Bonner County, is located at the northern tip of Idaho, approximately 545 kilometers (340 miles) north of Boise, Idaho.

(b) *Population.* Sandpoint—4,144;<sup>2</sup> Bonner County—15,560.

(c) *Present Aural Service.* Sandpoint is currently served by fulltime AM Station KSPT and FM Station KPND (Channel 237A).

3. *Economic Considerations.*

Petitioner states that the major industries supporting the local economy are lumbering, cattle ranching, and dairy farming. Because Sandpoint is located at the intersection of a railway and four intercontinental highways, petitioner asserts that the city is an unusually large trading area. Tourism and recreation are also cited by petitioner as contributing to the local economy. Petitioner asserts that the official population figures for the community are misleading because the area supports a sizeable transient tourist population.

4. *Preclusion Study.* The assignment of Channel 221A to Sandpoint will cause preclusion only on the co-channel within 65 miles. Petitioner states that only one community with a population over 1,000, Bonners Ferry, Idaho, lies within the area of preclusion. Petitioner should state whether alternative channel assignments are available for Bonners Ferry.

5. Because Sandpoint is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed amendment to the Table of Assignments requires coordination with the Canadian government.

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with respect to Sandpoint, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Sandpoint, Idaho	237A	221A, 237A

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

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

<sup>1</sup> Public Notice of the petition was given October 2, 1980, Report No. 1251.

<sup>2</sup> Population figures are taken from the 1970 U.S. Census.

8. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

#### Appendix

[BC Docket No. 81-323 RM-3757]

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

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

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

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in

reply comments. (See § 1.420(d) of the Commission's rules.)

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

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

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

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

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

[FIR Doc. 81-14447 Filed 5-12-81 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[BC Docket No. 80-159; RM-3326]

#### FM Broadcast Station in Falmouth, Massachusetts; Petition for Reconsideration; Order Extending Time for Filing Replies to Oppositions

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration of action in Rulemaking proceeding; Extension of time for filing replies to oppositions.

SUMMARY: Action taken herein extends the time for filing replies to an opposition to a petition for reconsideration of the Commission's action assigning an FM channel to Falmouth, Massachusetts. Additional time is given in response to a request filed by CCC Communications of

Boston, Inc., licensee of FM broadcast Station WHUE, Boston, Massachusetts, so that counsel can confer with an engineer who is temporarily out of the country.

DATE: Replies must be filed on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts); Order extending time for filing replies to opposition to petition for reconsideration.

Adopted: May 1, 1981.

Released: May 5, 1981.

By the Chief, Policy and Rules Division.

1. On March 31, 1981, a petition for reconsideration was filed by GCC Communications of Boston, Inc. ("GCC"), licensee of FM broadcast Station WHUE, Boston, Massachusetts, in the above-captioned matter (46 FR 22988; April 22, 1981).<sup>1</sup> A timely opposition was filed by Marshfield Broadcasting Company, and replies thereto are presently due to be filed by May 4, 1981.

2. On April 30, 1981, GCC filed a request for extension of time to and including May 18, 1981, in which to file a reply to the opposition. Counsel states that GCC's consulting engineer is presently out of the country until May 5, 1981, and that it wishes to consult with him before determining whether to file a response. Counsel further states that all parties to this proceeding have indicated no objection to the requested extension of time.

3. We are therefore of the view that the public interest would be served by granting the additional time to file further information which might be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, it is ordered, that the time for filing replies to the opposition to the petition for reconsideration in BC Docket No. 80-159 (RM-3326) is extended to and including May 18, 1981.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

<sup>1</sup>Editorial note: The petition for reconsideration was submitted for publication in the Notices section of the Federal Register.

Federal Communications Commission.  
 Henry L. Baumann,  
 Chief, Policy and Rules Division, Broadcast  
 Bureau.  
 [FR Doc. 81-14445 Filed 5-12-81; 8:45 am]  
 BILLING CODE 6712-01-M

#### 47 CFR Part 73

[BC Docket No. 81-322; RM-3722]

#### FM Broadcast Station in Coxsackie, N.Y., Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** This action proposes to assign FM Channel 252A to Coxsackie, New York, in response to a petition filed by Catskill Communications, Inc. The assignment would provide Coxsackie with a first local aural service.

**DATES:** Comments must be filed on or before June 30, 1981, and reply comments must be filed on or before July 20, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Mark Lipp, Broadcast Bureau, (202) 632-7792.

#### SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Coxsackie, New York), BC Docket No. 81-322, RM-3722. Notice of proposed rulemaking.

Adopted: May 1, 1981.

Released: May 11, 1981.

By the Chief, Policy and Rules Division:

#### 1. Petitioner, Proposal, Comments:

(a) A petition for rule making was filed by Catskill Communications, Inc. (hereinafter "CCI" or "Petitioner"), proposing the assignment of FM Channel 252A to Coxsackie, New York, as that community's first FM radio station.

(b) Petitioner states that he will apply for that channel, if assigned.

#### 2. Demographic Data:

(a) **Location:** Coxsackie, located in Greene County, is approximately 32 kilometers (20 miles) south of Albany, New York.

(b) **Population:** Coxsackie—2,399; Greene County—33,136.<sup>2</sup>

(c) **Local Aural Broadcast Service:** None.

3. **Economic Considerations:** Petitioner states that Coxsackie is

essentially residential in nature, and that industry is limited to one major plant and several small industrial plants. While there is some dairy and agricultural farming, the major employer is a State correctional facility. It also states that the community has its own cultural and/or service organizations, churches and clubs. There is only one county-wide weekly newspaper available to residents, and, although located adjacent to the New York State Thruway, the town does not have regular transportation services. Petitioner has submitted sufficient demographic data to demonstrate the need for a first FM assignment to Coxsackie.

4. **Technical Data:** CCI has submitted a study indicating that the proposed assignment of Channel 252A to Coxsackie, New York, would create no unacceptable preclusion. However, we need not consider the preclusive impact for a request for a first Class A channel allocation. See *Policy Statement to Govern Requests for Additional Assignments*, 8 FCC 2d 79 (1967). The transmitter site must be located approximately 5.1 kilometers (3.2 miles) northwest of Coxsackie to avoid short-spacing to an existing station. Also, since the proposed assignment is within 402 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Coxsackie, New York		252A

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

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

7. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.

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

Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

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

Federal Communications Commission.

Henry L. Baumann,  
 Chief, Policy and Rules Division, Broadcast  
 Bureau.

#### Appendix

[BC Docket No. 81-322, RM-3722]

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

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

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

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

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

(c) The filing of a counterproposal may lead the Commission to assign a different channel

<sup>1</sup>Public Notice of the petition was given on August 13, 1980, Report No. 1244.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

than was requested for any of the communities involved.

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

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

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

[FR Doc. 81-14449 Filed 5-12-81: 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[IBC Docket No. 81-324; RM-3735]

#### FM Broadcast Station in Minot, North Dakota; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule.

**SUMMARY:** This action proposes the assignment of Class C FM Channel 260 to Minot, North Dakota, as that community's third FM assignment, in response to a petition filed by Kitten Radio, Inc.

**DATES:** Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

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

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

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations, (Minot, North Dakota). DC Docket No. 81-324 RM-3735. Notice of proposed rulemaking.

Adopted: May 1, 1981.

Released: May 11, 1981.  
By the Chief, Policy and Rules Division.

**1.** A petition for rule making<sup>1</sup> has been filed by Kitten Radio, Inc. ("petitioner"), licensee of AM broadcast Station KTYN, Minot, North Dakota, requesting the assignment of Class C FM Channel 260 to Minot, as its third FM channel. Petitioner states that if the channel is assigned, it will apply for authority to build and operate a station. No comments on the petition were received. The channel can be assigned in accordance with minimum distance separation requirements.

**2.** Minot (population 32,290),<sup>2</sup> the seat of Ward County (population 58,560), is located approximately 180 kilometers (100 miles) north of Bismarck, North Dakota. Minot is currently served by two daytime-only AM stations, two full-time AM stations, and two FM stations.

**3.** Petitioner states that Minot is the fourth largest city in North Dakota and is a major focus of commerce in the northwestern region of the State. According to petitioner, the population of Minot has remained stable through the past decade, while bank deposits and housing starts have increased during the same period. Petitioner asserts that because Minot is a source of information and a center of commerce for a large and otherwise unserved rural population, the city deserves an additional FM assignment.

**4. Precclusion study:** According to the precclusion study submitted by petitioner, assigning Channel 260 to Minot would cause precclusion on Channels 257A, 259, 260, 261A, 262, and 263. The study indicates that twenty-two communities with a population over 1,000 fall within the precluded areas. Twelve of these communities currently have no FM assignment.<sup>3</sup> Petitioner states that in its channel search for Minot, it found that Channels 222, 260, 261A, 263, 264, 265A and 294 met all the distance separation requirements. Furthermore, petitioner states that Channels 282, 283, 299 and 300 are also available for assignment outside the immediate Minot area. Petitioner concludes that a large number of channels are available for assignment to the precluded communities.

<sup>1</sup>Public Notice of the petition was given September 2, 1980, Report No. 1246.

<sup>2</sup>Population figures are taken from the 1970 U.S. Census.

<sup>3</sup>According to petitioner, the precluded communities without an assignment in North Dakota are: Beach (population 1,408), Belfield (population 1,130), Cando (population 1,512), Garrison (population 1,614), Hazen (population 1,240), Kennmare (population 1,515), New Town (population 1,428), Parshall (population 1,246), Stanley (population 1,581), Velva (population 1,241), and Watford City (population 1,763).

**5. Additional considerations:** Petitioner states that the proposed assignment would provide a second FM service to an area of 642 square kilometers (251 square miles) with a population of 1,000 persons. According to the Commission's population guidelines, cities the size of Minot (under 50,000 population) are allotted two FM assignments. Therefore, the assignment of the third channel, as proposed in this *Notice*, exceeds the guidelines. However, as the Commission has stated on many occasions, the population guidelines are not applied inflexibly, and assignments in excess of the guidelines have been made when the preclusive impact of the assignment is considered insignificant. As noted in the preceding paragraph, there appear to be several channels available for assignment to the precluded communities. Therefore, the population guidelines do not appear to be an obstacle to the present assignment.

**6.** Because Minot is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 260 to Minot requires coordination with the Canadian government.

**7.** In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

Community	Channel No.	
	Present	Proposed
Minot, North Dakota	229, 246	229, 246, 260

**8.** The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

**9.** Interested parties may file comments on or before June 30 1981, and reply comments on or before July 20, 1981.

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

**11.** For further information concerning this proceeding, contact Michael A.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

#### Appendix

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

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

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

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

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

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

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

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

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C. [F.R. Doc. 81-14280 Filed 5-12-81 8:45 am]  
BILLING CODE 6712-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Parts 1201 and 1241

[No. 37203]

#### Cost Center Accounting and Reporting System for Class I Railroads

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Termination of Proposed Rulemaking.

**SUMMARY:** The Interstate Commerce Commission is terminating the rulemaking proceeding to consider adopting a cost center accounting and reporting system for Class I railroads. This action is necessary because of the enactment of the Staggers Rail Act of 1980 (49 U.S.C. 10101) which limits the Commission's jurisdiction to determine rate reasonableness and mandates that Commission railroad accounting and cost data requirements serve a regulatory purpose. The Commission's current uniform revenue and cost systems are intended to provide essential financial and cost information within the ratemaking constraints of the Staggers Rail Act. Therefore, this proceeding is no longer necessary.

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

**FOR FURTHER INFORMATION CONTACT:** Bryan Brown, Jr. (202) 275-7448.

**SUPPLEMENTARY INFORMATION:** The Commission revised the Uniform System of Accounts for Railroads (USOA) (49 CFR 1201, Subpart A) under Docket No. 36367, served on June 24, 1977. This

Report and Order, published in the *Federal Register* on July 7, 1977 (42 FR 35016), prescribed a uniform cost and revenue accounting system for all railroads subject to the Commission's jurisdiction. This revised USOA was the result of independent efforts by the Bureau of Accounts and the Congressional mandate of the Railroad Revitalization and Regulatory Reform Act of 1978 (4-R Act) (49 U.S.C. 11142).

Several respondents petitioned the Commission to reconsider certain areas of the revised USOA. Particularly, the U.S. Department of Transportation requested that the Commission amend the USOA to include cost center accounting. In our Report and Order, however, we had already recognized the potential improvement that cost center data could provide.

On August 31, 1978, the Commission engaged the accounting and consulting firm of Deloitte Haskins & Sells and its subcontractor, Reebie Associates, (contractor) to develop a cost center accounting and reporting system for Class I railroads. This project was funded by both the Commission and the U.S. Department of Transportation. On October 26, 1979, the Commission served a Notice of Proposed Rulemaking on a Cost Center Accounting and Reporting System for Class I Railroads (Docket No. 37203) (44 FR 92312) that detailed a specific cost center accounting system. This proposal disaggregated system-wide accounting and statistical data by prescribing lower-level data capture.

The Commission suspended this rulemaking proceeding on November 20, 1980, because of certain technical problems experienced in the implementation of a revised costing methodology and current railroad legislation. This suspension notice was published in the *Federal Register* on November 25, 1980 (45 FR 78191).

The Staggers Rail Act of 1980 (the Act) limits the Commission's jurisdiction over railroad ratemaking. This includes those areas where a particular rail carrier has market dominance or proposes a rate below a reasonable minimum (49 U.S.C. 10701a). This narrowed ratemaking concept precludes the need for the specific cost center accounting and reporting system proposed in this proceeding. The Commission's Uniform System of Accounts for Railroads (49 CFR 1201, Subpart A) and its development of a revised costing methodology, the Uniform Rail Costing System, have the flexibility to meet the Commission's financial and cost information

requirements within the Act's provisions.

This decision does not significantly affect the quality of the human environment, conservation of energy resources, or small businesses.

This termination is made under the authority of 49 U.S.C. 553 and 49 U.S.C. 10321.

Decided: May 7, 1981.

By the Commission, Acting Chairman  
Alexis.

Agatha L. Mergenovich,  
*Secretary.*

[FR Doc. 81-14429 Filed 5-12-81; 8:45 am]

BILLING CODE 7035-01-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.

## COMMISSION ON CIVIL RIGHTS

### New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on May 27, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire. The purpose of this meeting is program planning for fiscal year 1981.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Sylvia F. Chaplain, 7 Wendover Way, Bedford, New Hampshire 03102, (603) 825-5335; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1981.

John L. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-14414 Filed 5-12-81; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Old Virginia, Inc., One Preserve Place, Front Royal, Virginia 22630, producer of jams, jellies and preserves; and apple sauce and juice (accepted April 17, 1981); (2) Joseph Hirsch Sportswear Company, Inc., 70 Washington Street, Brooklyn,

New York 11201, producer of men's and women's coats, jackets, vests, coveralls and underwear (accepted April 20, 1981); (3) Modern Coat Company, 711 Sip Street, Union City, New Jersey 07087, producer of women's coats, jackets and skirts (accepted April 20, 1981); (4) Mike Malone Overall Company, Inc., 642 North Broad Street, Philadelphia, Pennsylvania 19130, producer of jeans and skirts for men, women and children (accepted April 21, 1981); (5) Punch Press products, Inc., 1911 E. 51st Street, Los Angeles, California 90058, producer of automotive and other metal stampings (accepted April 21, 1981); (6) K-W Manufacturing Company, P.O. Box 508, Prague, Oklahoma 74864, producer of quartz crystals (accepted April 21, 1981); (7) Automation Components, Inc., One Short Avenue, Peckville, Pennsylvania 18452, producer of electronic capacitors (accepted April 22, 1981); (8) Savoy electronics, Inc., 1175 N.E. 24th Street, Fort Lauderdale, Florida 33310, producer of quartz crystals (accepted April 28, 1981); (9) Addmaster Corporation, 416 Junipero Serra Drive, San Gabriel, California 91778, producer of calculators, cash registers and other business machines (accepted April 29, 1981); (10) Tennessee Textiles, Inc., P.O. Box 67, Jackson, Tennessee 38314, a producer of unfinished woven fabrics (accepted May 1, 1981); (11) Federal Casters Corporation, 785 Harrison Avenue, Harrison, New Jersey 07029, producer of metal casters, wheels and fabricated steel (accepted May 4, 1981); (12) Phoenix Manufacturing Company, 1109 Chandler Avenue, Roselle, New Jersey 07203, producer of men's and boy's jackets and coats (accepted May 5, 1981); and (13) Lakeland Manufacturing Corporation, 1120 Maryland Avenue, Sheboygan, Wisconsin 53081, producer of men's leather coats and jackets (accepted May 6, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-818) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by

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each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81-14386 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-24-M

## INTERNATIONAL TRADE ADMINISTRATION

### Columbia University in the City of N.Y.; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00469. Applicant: Columbia University in the City of N.Y., Box 610 Havemeyer Hall, Chemistry Department, New York, N.Y. 10027. Article: Excimer Laser, EMG 101. Manufacturer: Lambda Physik, West Germany. Intended Use of Article: See

Notice on page 2664 in the **Federal Register** of January 12, 1981.

**Comments:** No comments have been received with respect to this application. **Decision:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **Reasons:** The foreign article provides a 140 millijoule pulse at 193 nanometers using argon fluoride gas. The National Bureau of Standards advises in its memorandum dated March 25, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**Frank W. Creel,**  
*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14367 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### Department of Commerce; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00467. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20034. Article: Lamma 500 Laser Microprobe Mass Analyzer and Accessories. Manufacturer: Leybold-Heraeus GmbH, West German. Intended Use of Article: See Notice on page 82983 in the **Federal Register** of December 17, 1980. **Comments:** No comments have been received with respect to this application. **Decision:** Application approved. No instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **Reasons:** The foreign article provides a small size pulsed beam which analyzes particles as small as 0.5 micrometers. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**Frank W. Creel,**  
*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14368 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### Geophysical Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket Number 80-00429. Applicant: Geophysical Institute, Fairbanks, AK 99701. Article: EM-16 VLF Electromagnetic Instrument and EM-16R Attachment for Electrical Resistivity. Manufacturer: Geonics, Ltd., Canada. Intended Use of Article: See Notice on page 78721 in the **Federal Register** of November 20, 1980.

**Comments:** No comments have been received with respect to this application. **Decision:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **Reasons:** The foreign article provides measurements of apparent resistivity, phase angle

between Ex and Hy in degrees, tilt angle, and ellipticity. The National Bureau of Standards advises in its memorandum dated April 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**Frank W. Creel,**  
*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14369 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00468. Applicant: University of California, San Francisco, 812 Forbes Blvd., So. San Francisco, California 94080. Article: High Purity Germanium Well Counter. Manufacturer: Enertec, France. Intended Use of Article: See Notice on page 2664 in the **Federal Register** of January 12, 1981.

**Comments:** No comments have been received with respect to this application. **Decision:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **Reasons:** The foreign article provides a maximum active counter volume of 230 cubic centimeters. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability

of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14370 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00432. Applicant: University of California, Radiologic Imaging Laboratory, 400 Grandview Drive, South San Francisco, CA 94080. Article: Superconducting Magnet System. Manufacturer: Oxford Instruments, England. Intended Use of Article: See Notice on page 78721 in the Federal Register of November 20, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) a large clear space in an elliptical cylinder with a major axis of 80 centimeters (cm) and a minor axis of 50cm, (2) a highly uniform field with maximum variation rates of 100 milligauss (mG) or 10mG over a 30cm diameter sphere or disc, and (3) a maximum field strength of 2000 to 3530 gauss. The Department of Health and Human Services advises in its memorandum dated February 19, 1981

that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14371 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00460. Applicant: University of Washington, School of Pharmacy, BG-20, Seattle, WA 98195. Article: MM 70-70H Mass Spectrometer/VG Data System. Manufacturer: VG Micromass, VG Organic Limited, United Kingdom. Intended Use of Article: See Notice on page 82982 in the Federal Register of December 17, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 28, 1979). Reasons: This application is a resubmission of Docket Number 80-00088 which was denied without prejudice to resubmission on July 12, 1980 for informational deficiencies. The foreign article provides computer controlled combined electron impact/chemical ionization source switching.

The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 81-14372 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

#### National Oceanic and Atmospheric Administration

##### Intent To Prepare an Environmental Impact Statement on the Proposed Tijuana River Estuarine Sanctuary, Calif.

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

**ACTION:** Notice.

**SUMMARY:** In accordance with the provisions of the National Environmental Policy Act and Section 315 of the Federal Coastal Zone Management Act, the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration intends to prepare and distribute a draft environmental impact statement (DEIS) on a proposed estuarine sanctuary site on the southern coast of California adjacent to the California-Mexican border. Designation of the sanctuary would serve to provide additional management and protection of approximately 2,400 acres of important estuarine habitat in San Diego County.

#### Discussion

The Tijuana sanctuary proposal has been developed after extensive consultation between State and Federal agencies, local government officials, private land owners, research and public interest groups since the fall of 1980. Under the auspices of the California Coastal Commission, a Site Selection Committee was convened and after consultation with environmental

groups, marine scientists, and Regional Commission offices, the Committee studied seven possible sanctuary sites and ranked the top four. The Coastal Commission held two public hearings in January and February 1981, in northern and southern California. The Tijuana site was eventually selected as the best site given the many evaluation factors for that particular geographic region. A twelve-person Sanctuary Advisory Committee with broadbased representation was organized by the Coastal Commission. Input from this group has been central in identifying environmental, social, and economic concerns over the selection of this site and has been instrumental in determining an appropriate boundary and management authority. News coverage describing the sanctuary program and resource values of Tijuana River has appeared in local and regional newspapers and on radio broadcasts. The Office of Coastal Zone Management has recently received a formal request from the State of California to designate a portion of the Tijuana River and surrounding lands as a National Estuarine Sanctuary and to provide a grant to assist the State in purchasing about 832 acres within the sanctuary boundary.

No further scoping meetings are contemplated at this time because of the extensive meetings (including public hearings) which have transpired. However, interested parties who wish to submit inquiries, suggestions, comments or substantive information are invited to write or call Mr. Milt Martin, Estuarine Sanctuary Project Officer, Office of Coastal Zone Management, 3300 Whitehaven St., N.W., Washington, D.C. 20235, (202/653-7301).

Federal Domestic Assistance Catalog No. 11-420 Coastal Zone Management-Estuarian Sanctuaries

Dated: May 8, 1981.

William Matuszeski,  
Acting Deputy Assistant Administrator for Coastal Zone.

[FR Doc. 81-14332 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration

Snapper and Grouper; Permit Availability

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of fishing permit availability.

**SUMMARY:** NOAA issues notice of availability of applications for permits authorizing U.S. vessels to fish snapper/grouper in the Mexican Economic Zone (12 to 200 miles off the Mexican coast) from August 1, 1981, through December 29, 1981. Permit fees and charges per vessel for the fishing season are as follows:

Permit fee	Catch charge	Performance bond or deposit
\$80.00	\$184.00	Up to \$1,600.00

**DATES:** Completed application forms must be received by the National Marine Fisheries Service or the Southeastern Fisheries Association *no later than May 29, 1981*, for transmittal to the Mexican Government.

**ADDRESSES:** Applications may be obtained by contacting either the Fisheries Management Division, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702 or the Southeastern Fisheries Association, 124 West Jefferson Street, Tallahassee, Florida 32301, 904-224-0612.

**FOR FURTHER INFORMATION CONTACT:**  
Donald W. Geagan (Fisheries Management Division), 813-893-3722.

Signed at Washington, D.C. this 7th day of May, 1981.

Robert K. Crowell,  
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14424 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-22-M

#### Issuance of Permit

On March 30, 1981, notice was published in the Federal Register (46 FR 192931) that an application has been filed with the National Marine Fisheries Service by 454802 Ontario Limited, Panasonic Tower Center, 8732 Oakes Drive, Niagara Falls, Ontario, Canada for a permit to display two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) and three (3) California sea lions (*Zalophus californianus*), owned by Louis Scarpuzzi Enterprises of the United States for public display.

Notice is hereby given that on May 5, 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 to 454802 Ontario Limited, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,

National Marine Fisheries Services, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: May 5, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-14425 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-22-M

#### South Atlantic Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94-285), will meet to review actions on the Billfish Fishery Management Plan (FMP); update on Snapper-Grouper Complex FMP review; status update of Calico Scallop FMP; status reports on Shrimp, King and Spanish Mackerel, Spiny Lobster and Coral FMP's, as well as other management and administrative matters.

**DATES:** These public meetings will convene on Tuesday, May 26, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, May 28, 1981, at approximately noon.

**ADDRESS:** The meetings will take place at the Casa Marina Resort, Reynolds Street, Key West, Florida 33040.

**FOR FURTHER INFORMATION CONTACT:**  
South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: May 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14426 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-22-M

#### Western Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94-409, notice is hereby given of a partially closed session of public meetings of the Western Pacific Fishery Management Council, established by Section 302 of

the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265). The closed session of the meetings are being held to discuss personnel matters regarding vacancies on the Scientific and Statistical Committee (SSC) and the Advisory Panel (AP). The sessions of the meetings which will be open to the public will involve review of progress on the Billfish Fishery Management Plan (FMP); review of fiscal year 1982 administrative and programmatic budgets; review of the draft statement of organization, practices and procedures; review status of other fishery management plans and conduct other fishery management business.

**DATES:** The closed session of the meetings will be held on June 9, 1981—8:30 a.m. to 9:30 a.m. The open sessions of the meetings will be held on June 9, 1981—10 a.m. to 5 p.m., and on June 10, 1981—9 a.m. to 3 p.m.

**ADDRESS:** The meetings will take place at the Royal Lahaina Hotel, Lahaina, Maui, Hawaii.

**FOR FURTHER INFORMATION CONTACT:** Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary of Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 15, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). These portions of the closed meetings are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: May 8, 1981.

Robert K. Crowell,  
Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14427 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-22-M

#### Office of the Secretary

#### Two Foreign Government Standards Pertaining to Farm Tractors

**AGENCY:** Assistant Secretary of Commerce for Productivity, Technology, and Innovation, Commerce.

In accordance with Title IV (on standards) of the Trade Agreements Act of 1979, a Technical Office has been established in the U.S. Department of Commerce (45 FR 74532, November 10, 1980) to assist U.S. business to take advantage of the trade opportunities inherent in the International Standards Code which was part of the recently concluded multilateral Trade Negotiations.

Recently the Technical Office was able to obtain copies of two new foreign regulations (with unofficial English translations) pertaining to health and safety requirements affecting farm tractors that have been promulgated by Spain and France, respectively. The Spanish regulation pertains to roll-over protection standards for tractor cabs (effective dates of the various provisions range from December 1980 to December 1982) while the French regulation pertains to permissible sound levels and roll-over protection requirements (effective date, February 1982).

Copies of these two foreign mandatory regulations can be obtained on request from: Director, Technical Office, Office of Product Standards Policy, Office of Assistant Secretary for Productivity, Technology, and Innovation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone 202/377-4563.

If upon review, U.S. exporters believe that such regulations unjustifiably inhibit their exports, they should communicate their concerns as soon as possible to the Technical Office at the above address. The Technical Office, in cooperation with the Department's Office of Trade Policy, will assist such exporters to clarify their options regarding possible bilateral action with the foreign country concerned.

Issued: May 8, 1981.

Robert B. Ellert,

*Acting Assistant Secretary for Productivity, Technology, and Innovation.*

[FR Doc. 81-14373 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-13-M

#### DEPARTMENT OF DEFENSE

#### DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on July 15, 1981, at the Palisades

Institute for Research Services, Inc., 201 Varick Street, New York, New York, 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.*

May 8, 1981.

[FR Doc. 81-14333 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-70-M

#### DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session June 25, 1981, at the Santa Barbara Research Center, 75 Coromar Drive, Totowa, CA 93017.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)

(1976), and that accordingly, this meeting will be closed to the public. M. S. Healy.

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

May 8, 1981.

[FR Doc. 81-14334 Filed 5-12-81; 8:45 am]

BILLING CODE 3810-70-M

## DELAWARE RIVER BASIN COMMISSION

[Civil Action 77-2668]

### Delaware River Basin Commission v. Bucks County Water & Sewer Authority, et al.

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Notice to Interested Parties Concerning Intervention.

This notice is given pursuant to an Order entered by the Honorable Louis H. Pollak on April 29, 1981, directing the Delaware River Basin Commission (DRBC) to notify all persons and entities having an interest in DRBC Resolution No. 74-6 (imposing water charges for use or withdrawal of basin waters) concerning the status of this matter and their right to seek to intervene herein.

The United States Court of Appeals for the Third Circuit in *Delaware River Basin Commission v. Bucks County Water & Sewer Authority*, No. 80-1662, in a decision filed February 18, 1981, remanded this case to the U.S. District Court for further proceedings. The Court of Appeals has questioned the constitutionality of Section 15.1(b) of DRBC's Compact and DRBC Resolution N. 74-6, which exempt from water charges pre-1961 water users. The Opinion of this Court states in part:

\*\*\* we believe it more prudent to remand the present controversy than to grant final disposition by this Court. The difficulties attending any effort to divine legislative intent no doubt are greatly magnified when the legislature acted two decades past and left no clear trace of its designs. But as we earlier concluded, it is doubtful whether the actual purpose of the Congress need be established. So long as the Commission can proffer some purpose that the court may reasonably presume to have motivated the Congress that added Section 15.1(b) to the Compact, there will be available a standard against which to test the rationality of Resolution 74-6. We believe the Commission should have an opportunity to attempt this type of explanation.

In addition, remand may prompt pre-1961 users to intervene in the lawsuit. Modification of the Resolution 74-6 exemption would adversely affect users, such as the City of Philadelphia, who currently enjoy immunity from water use charges. We

believe it would be helpful, before final decision on the constitutionality of the Resolution is made, if representatives of these parties were provided an opportunity to appear before the court to advance their arguments for maintaining the current system of exemptions.

The Order of Judge Pollak authorizes persons and entities desiring to intervene in this matter and to participate therein to file an appropriate Motion of Intervention on or before June 15, 1981. All parties seeking leave to intervene in this matter are also directed to appear at a conference in Judge Pollak's Courtroom in the U.S. District Court, Sixth and Market Streets, Philadelphia, Pennsylvania, at 9:30 a.m. on Thursday, June 18, 1981.

Counsel for the defendant, Bucks County Water and Sewer Authority, is Jaczun & Grabowski, One South Fifth Street, Perkasie, Bucks County, Pennsylvania 18944. Counsel for the plaintiff, Delaware River Basin Commission, is David J. Goldberg, 112 Nassau Street, Post Office Box 645, Princeton, New Jersey 08540. Anyone desiring further information concerning this matter may contact counsel for either party.

W. Brinton Whitall,  
Secretary.

May 1, 1981.

[FR Doc. 81-14361 Filed 5-12-81; 8:45 am]

BILLING CODE 5360-01-M

## DEPARTMENT OF ENERGY

### Program Opportunity Notice—Solar Dish-Stirling Engine Module

Program Opportunity Notice No. DE-PNO4-81AL16333: Solar Dish-Stirling Module. The U.S. Department of Energy, Solar Thermal Power System Program, Albuquerque Operations Office (ALO) intends to issue an unrestricted Program Opportunity Notice (PON) which will solicit proposals for development of a solar dish-Stirling engine module. Specifically, the following efforts are desired: market identification and assessment of commercial potential; conceptual design and implementation plan for early sales; system design, hardware integration and fabrication of a prototype module; and prototype test to demonstrate that performance and life are suitable for early commercial market. The solar dish-Stirling engine module consists of a two-axis tracking, point focusing, parabolic dish solar concentrator with a receiver at focal point to convert the concentrated solar energy into high temperature thermal energy. Coupled to the receiver will be a Stirling engine and appropriate

components to produce electrical energy.

Substantial cost sharing and commitment to commercial product development are expected and the negotiated instrument(s) will most likely be a cooperative agreement(s). Deliverables will include detailed design reviews and comprehensive reports on all phases of work performed. It is anticipated that the work will commence in the latter part of 1981 and be completed in 1983. The laboratory that will be monitoring the efforts initiated by this PON has performed much of the R&D work on solar dish-Stirling systems.

It is requested that all interested parties provide written notification of their interest to the below listed point of contact not later than twenty (20) days from the date of publication of this notice. Telephone inquiries will not be accepted. The written requests for a copy of the PON should reference the applicable PON number and should be addressed to: U.S. Department of Energy, Albuquerque Operations Office, Contracts and Procurement Division, ATTN: J. L. Robbins, P.O. Box 5400, Albuquerque, N.M. 87115.

Issued in Washington, D.C., May 8, 1981.

Berton J. Roth,

*Deputy Director, Procurement and Assistance Management.*

[FR Doc. 81-14418 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

## Bonneville Power Administration

### Intent to Prepare a Draft Environmental Impact Statement for Badger Canyon-Grandview Area Reinforcement; Meeting

The Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft environmental impact statement (EIS).

BPA's EIS will address the construction, location, and operation of approximately 15 miles of transmission lines with alternatives consisting of various combinations of 500-kV and 230-kV lines, and includes associated facilities to provide support for the existing transmission system in the Benton City/Tri-Cities area of Washington State. This project is based on forecasted peakloads which indicate potential outages of certain facilities which will create subsequent line overloads and low-voltage conditions as early as 1985.

In addition to improve electrical transmission, the alternatives of

conservation and no action will be considered.

Scoping for the EIS on this project will include consultation with: (1) Benton Rural Electrification Administration, Benton County Public Utility District, Franklin County Public Utility District, Big Bend Electric Cooperative, Columbia Rural Electrification Administration, and Pacific Power & Light Company; and (2) involved Federal, State, regional, and local agencies, as well as appropriate environmental organizations and landowners. Two public meetings have been scheduled to receive input on the scope of the EIS and to solicit comments and suggestions for consideration in the preparation of the EIS.

Those wishing to participate in the scoping process may attend public meeting to be held in the following locations:

Tuesday, June 9, 1981, at the Benton City Elementary School in the Multi-Purpose Room, Benton City, Washington, from 7-10 p.m.

Wednesday, June 10, 1981, at the Jason Lee Elementary School in the Auditorium, Richland, Washington, from 7-10 p.m.

Those desiring further information or wishing to submit written comments on the scope of the environmental impact statement should address their correspondence to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon, 97208.

Dated: April 30, 1981.

Earl Gjelde,  
Acting Administrator.

[FR Doc. 81-14327 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

#### Federal Energy Regulatory Commission

[Docket No. CP 81-283-000]

#### Alabama-Tennessee Natural Gas Co.; Application

May 8, 1981.

Take notice that on April 10, 1981, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama 35631, filed in Docket No. CP 81-283-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of limited quantities of natural gas to Public Service Electric and Gas Company (Public Service) during the summer months of 1981, all as more fully set forth in the application which is on

file with the Commission and open to public inspection.

Applicant proposes to sell on an interruptible basis to Public Service up to a maximum quantity of 20,000 Mcf of natural gas per day in order to avoid substantial minimum take-or-pay charges which Applicant would incur under its gas purchase contract with its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). It is stated that Applicant purchases natural gas from Tennessee in accordance with Tennessee's Rate Schedule CD-1 which contains a minimum bill provision requiring Applicant to pay an amount equal to 66 2/3 percent of its contract demand irrespective of whether it takes such volumes of gas each month. Applicant states that during the months of April through October it would be unable to sell these minimum volumes of gas to its existing customers and would be obligated to take an estimated \$1,000,000 worth of gas per month that it could not sell on-system. Applicant asserts that pursuant to a March 18, 1981, agreement with Public Service, Applicant would sell such gas to Public Service on a best-efforts basis during the summer months of June through October 1981.

It is stated that Public Service is currently purchasing equivalent volumes of gas from Applicant by displacement under an Order 30 authorization replacing No. 2 oil as fuel for electric generation and that transportation of the gas is being provided by Texas Eastern Transmission Company (Texas Eastern). Applicant states that the proposed sale of natural gas to Public Service would be accomplished by delivering equivalent volumes to USS Agri-Chemicals, Inc. (USS Ag) located in Colbert County, Alabama. It is stated that such deliveries would displace Texas Eastern's deliveries to North Alabama Gas District which sells and delivers gas to USS Ag making the gas available for transportation and delivery to Public Service less agreed upon volumes for fuel and shrinkage.

It is asserted that Public Service expects to use the natural gas purchased from Applicant to displace middle-distillate oil and low-sulphur residual oil in the generation of electricity. It is asserted that the deliveries of gas by Texas Eastern on a displacement basis would be on a strictly interruptible basis and when Texas Eastern has capacity available to provide the transportation service.

Applicant asserts that no additional facilities would be required and that it would make gas available to Public Service only at such times as its existing customers have no need for the gas.

Therefore, Applicant maintains that the proposed service would not displace capacity for service or sales to high priority customers but would avoid its being assessed with increased costs of gas resulting from the take-or-pay requirements of Applicant's gas purchase contract with Tennessee.

Applicant states that it would charge Public Service a commodity rate of \$2.6594 per Mcf which is based on Tennessee's CD-1 commodity rate charged to Applicant of \$2.4494 per Mcf and that any increase or decrease in Tennessee's rate would result in an equal increase or decrease in the price to be paid.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the 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 advises, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14300 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-286-000]

**Algonquin Gas Transmission Co.; Application**

May 7, 1981.

Take notice that on April 15, 1981, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-286-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of natural gas service to its customer, Commonwealth Gas Company (Commonwealth), in lieu of its existing service to Commonwealth and its affiliate New Bedford Gas and Edison Light Company (New Bedford), 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 was previously authorized to serve both Commonwealth and New Bedford which are corporate affiliates wholly owned by New England Gas and Electric Association. It is stated that effective December 31, 1980, the Department of Public Utilities of the Commonwealth of Massachusetts approved the sale to Commonwealth of New Bedford's gas business and properties.

Applicant states that there would be no change in authorized sales quantity, delivery obligations, rates or charges to Commonwealth and that no new facilities are proposed. Applicant asserts that it proposes only to render the same service to one customer, Commonwealth, that it previously rendered to Commonwealth and New Bedford with all rights and obligations remaining the same under the superseding service agreement as those being superseded. It is stated that service to these customers is currently rendered pursuant to Applicant's Rate Schedules F-1, WS-1, and SNG-1 and that while New Bedford has sold its distribution properties to its affiliate and is no longer the named party-Buyer this has no effect upon Applicant's legal obligation to continue service to such markets through New Bedford's successor in interest.

Applicant notes that its application and amendments are being made in compliance with a February 27, 1981, letter of the Commission staff.

Applicant further requests acceptance of revised F-1, WS-1, and SNG-1 service agreements for filing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29,

1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14212 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-266-001]

**Bear Creek Storage Co., Southern Natural Gas Co., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend**

May 8, 1981.

Take notice that on April 7, 1981, Bear Creek Storage Company (Bear Creek), P.O. Box 82, Bienville, Louisiana 71008, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP 78-266-001 a joint petition to amend the order issued April 3, 1979, in the instant docket pursuant to Section

7(c) of the Natural Gas Act so as to authorize certain modifications in the storage service agreement and to conform the certificate to actual construction undertaken at the Bear Creek Storage facility, all as more fully set forth in the petition to amend.

Applicants state that Southern and Tennessee formed a partnership under the name Bear Creek Storage Company which was to own and operate a storage facility. It is stated that Bear Creek obtained interim construction financing and long-term financing commitments from the Prudential Insurance Company of America (Prudential) for approximately 75 percent of the funds estimated to be required to construct the storage project and acquire base storage gas. Applicants assert that Prudential has recently agreed to loan additional funds in order to finance an estimated cost increase in the storage project and that the loan would be the sole obligation of Bear Creek. It is stated that in the course of negotiating the specific terms of the long-term financing documents Prudential and Bear Creek agreed to make various changes to the storage service agreements between Bear Creek and its prospective customers.

Applicants herein propose that the term of the storage service agreements be extended from a period of ten years to a period of twenty years. Applicants also propose to modify the agreement to reflect that Bear Creek would be the ultimate beneficiary of long-term project financing and to emphasize that in order to facilitate the financing of the customer's obligation to pay the monthly service charge is absolute and unconditioned.

Applicants further state that as construction of the project has progressed certain technical and engineering changes were found to be necessary in order to increase the operating efficiency and herein propose that the certificate authorization reflect the modifications. It is stated that instead of drilling, constructing and operating a total of 52 injection-withdrawal wells as originally planned in actuality only 50 injection-withdrawal wells are necessary. In addition, it is asserted, only one observation well was necessary in the Bear Creek Field instead of the originally proposed three observation wells.

Applicants state that in their original application they requested the conversion into observation wells of four existing wells in the Bear Creek Field. Applicants state that the certificate should instead reflect the

conversion into injection-withdrawal and observation wells of depleted wells and dry holes in the Bear Creek Field and the subsequent operation of the same. Currently there are one newly constructed observation well, four existing wells and three dry holes being used as observation wells in the field.

Applicants also propose that the April 3, 1979, order be amended to reflect that the total number of wells re-worked to insure the pressure integrity of the Pettit Reservoir was increased from 15 to 26 when it was determined that certain wells on which a cement bond log had not previously been run should be re-entered for the purpose of performing such a cement bond log. To date Applicants state that 2 injection-withdrawal wells, 7 observation wells, and 26 pressure integrity wells have been re-worked.

Applicants state that after the detailed design of the system was completed, it was found that a redistribution of flow changes in certain pipe diameters would improve maximum flow velocities. It is stated that to connect the central plant to various injection-withdrawal wells the field lines actually constructed consisted of approximately 1.7 miles of 18-inch O.D. pipeline, 1.3 miles of 16-inch O.D. pipeline, 4.6 miles of 14-inch O.D. pipeline, 3.8 miles of 12½-inch O.D. pipeline, 1.1 miles of 10¼-inch O.D. pipeline, 2.3 miles of 8½-inch O.D. pipeline and 9.2 miles of 6½-inch O.D. pipeline.

Applicants state that they also determined that downhole pressure safety valves should be installed in the injection-withdrawal wells in the Bear Creek Field in order to prevent loss of gas in the event of damage to the wells. Applicants estimate the cost of the valves to be \$2,115,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14313 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-05-M

[Docket No. CP81-306-000]

**Columbia Gas Transmission Corp.; Application**

May 8, 1981.

Take notice that on April 27, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-306-000 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 90 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 2 taps for residential service, 1 tap for commercial service, 2 taps for industrial service—Estimated annual usage of 85,780 Mcf.

(2) Columbia Gas of Ohio, Inc.: 49 taps for residential service, 2 taps for commercial service, 2 taps for industrial service, 1 tap for combined residential, commercial and industrial service—Estimated annual usage of 218,295 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 3 taps for residential service—Estimated annual usage of 450 Mcf.

(4) Columbia Gas of Virginia, Inc.: 3 taps for residential service, 1 tap for commercial service—Estimated annual usage of 866 Mcf.

(5) Columbia Gas of West Virginia, Inc.: 19 taps for residential service—Estimated annual usage of 3,000 Mcf.

(6) The Dayton Power and Light Company: 2 taps for residential service, 1 tap for commercial service—Estimated annual usage of 3,105 Mcf.

(7) Union Light, Heat and Power Company: 2 taps for residential service—Estimated annual usage of 500 Mcf.

It is stated that the total cost of the interconnections is estimated to be \$45,539 which would be financed by internally generated funds. It is further stated that the average cost of 89 taps is estimated to be \$300 while one tap would be installed at a cost of \$18,700.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14314 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-05-M

[Docket No. CP81-277-000]

**Consolidated Gas Supply Corp., and Columbia Gas Transmission Corp.; Application**

May 8, 1981.

Take notice that on April 8, 1981, Consolidated Gas Supply Corporation (Consolidated), 445 Main Street, Clarksburg, West Virginia 26301, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP 81-277-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between the two companies, all as more fully set forth in the application which is

on file with the Commission and open to public inspection.

Applicants state that Consolidated is now in the process of exploring developing natural gas reserves and production on lease acreage near Columbia's pipeline facilities in Indiana and Clearfield Counties, Pennsylvania, while Columbia is in the process of exploring and developing natural gas reserves and production on lease acreage near Consolidated's pipeline system in Crawford County, Pennsylvania. Applicants state that they have entered into a March 3, 1981, exchange agreement in order to deliver their respective natural gas reserves and production into the pipeline facilities of the other for subsequent redelivery on their pipeline systems.

It is stated that Consolidated proposes to deliver up to 15,000 dekatherms (dt) equivalent of natural gas per day to Columbia at new points of delivery to be established in Clearfield and Indiana Counties, Pennsylvania, while Columbia proposes to deliver up to 15,000 dt equivalent of natural gas per day to Consolidated at a new point of delivery to be established in Crawford County, Pennsylvania.

Applicants assert that any excess quantities delivered by Consolidated would be returned by Columbia at the interconnection between the facilities of Consolidated and Columbia at or near Columbia's Rockport Compressor Station in Wood County, West Virginia, or other mutually agreeable points of interconnection. It is stated that Consolidated would return any excess quantities delivered by Columbia at the existing interconnection between the facilities of Columbia and Consolidated in Beaver County, Pennsylvania, or other mutually agreeable points of interconnection.

Applicants state that the exchange proposed herein is to be gas for gas with neither party retaining any fuel retention charge. It is further asserted that Consolidated would construct and operate the gas supply facilities necessary to establish the delivery points under its gas supply budget-type authorization and that Columbia would reimburse Consolidated for the costs of the Crawford County delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All

protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. #1-14315 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-289-000]

**Consolidated Gas Supply Corp.; Application**

May 8, 1981.

Take notice that on April 20, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-289-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of an existing engine at its Davis compressor station, Harrison County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to upgrade its existing compressor engine at its Davis compressor station in order to improve its fuel efficiency by 12 percent. Applicant states that it would install a packaged Cooper-Bessemer centrifugal blower kit using a belt-driven blower which would eliminate the scavenger pistons on the existing engine. The

horsepower would also be increased from 1,100 to 1,350, it is stated.

Applicant estimates the cost of the proposed project to be \$133,000 to be financed by either funds on hand or by funds supplied by its parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. #1-14316 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-297-000]

**Eastern Shore Natural Gas Co.; Application**

May 8, 1981.

Take notice that on April 22, 1981, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP81-297-000 an application pursuant to

Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to its customers under its Rate Schedule PS-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon, contingent upon whether or not Transcontinental Gas Pipe Line Corporation (Transco) receives authorization in Docket No. CP81-84-000 to abandon its peaking service to Applicant, Applicant's natural gas service to several of its customers under its Rate Schedule PS-1, as set out in Applicant's FERC Gas Tariff Original Volume No. 1, Original Sheet Nos. 130-133. Applicant states that Transco was authorized in Docket No. CP70-193 to offer peaking service to Applicant and others. In turn, it is stated, Applicant was authorized on August 31, 1970, in docket No. CP70-277 to sell peaking service to five customers under Applicant's Rate Schedule PS-1. It is further stated that Transco has been supplying peak service gas to Applicant since November 9, 1970, pursuant to a contract effective until October 31, 1975, and from year-to-year thereafter.

It is stated that on December 5, 1980, Transco filed an application in Docket No. CP81-84-000 requesting either a determination that the continuation of peaking service to customers whose contracts have terminated is in the public interest or in the alternative for permission and approval to abandon such service.

Applicant submits that its customers to be affected by the proposed contingent abandonment are Elkton Gas Service Division of Pennsylvania and Southern Gas Company, Cambridge Gas Company, Citizens Gas Division of Chesapeake Utilities Corporation, and Delaware Division of Chesapeake Utilities Corporation.

Applicant asserts that it would like to continue providing peaking service to its customers but because it depends on the gas received from Transco to provide this service, any abandonment received by Transco would have a grave adverse effect on Applicant's ability to provide such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14301 Filed 5-12-81; 8:45 am]

BILLING CODE 6460-85-M

#### [Docket No. GP81-20-000]

#### Getty Oil Co.; Petition for Declaratory Order

May 8, 1981.

Take notice that on April 27, 1981, Getty Oil Company (Getty), P.O. Box 1404, Houston Texas 77001, filed a petition for a declaratory order under § 1.7(c) of the Commission's Rules of Practice and Procedure, (18 CFR 1.7(c)). Getty requests that the Commission issue a declaratory order stating that under section 101(b)(5) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3301-3342), the maximum lawful price for certain gas sold by Getty from the Old Ocean Field in Brazoria and Matagorda Counties, Texas, is the higher of the two NGPA section 106(b) rollover prices which apply to the gas. Getty asserts that all sales involving the subject gas are in the intrastate market.

Getty states that the subject gas was covered by two contracts in effect prior to the enactment of the NGPA. A contract with Texas Electric Service Company (TESCO) dated May 1, 1959,

was a requirements contract under which Getty supplied natural gas to meet TESCO's fuel requirements for certain steam electric generating stations.<sup>1</sup> On November 8, 1978, the day before date of enactment of the NGPA, the price for the natural gas sold under the TESCO contract was 29.5¢ per MMBtu at 14.65 psia. The TESCO contract expired on January 1, 1981. The second contract which was entered into on December 29, 1975, and which was in effect on November 8, 1978, was between Getty and Phillips Petroleum Company (Phillips). The contract was a gas surplus contract, and under it Getty sold to Phillips supplies of natural gas in excess of those required by TESCO and other purchasers. The price per MMBtu sold on November 8, 1978 was \$1.85 at 14.65 psia. The contract expired on July 30, 1980.

On June 30, 1980, Getty entered into a contract with Esperanza Transmission Company (Esperanza). Getty contends that the Esperanza contract is a rollover contract under section 106(b) of the NGPA as to both the TESCO and Phillips contracts. It covers all gas produced from the Old Ocean Field which is in excess of Getty's prior commitments, including the volumes which become available upon the respective expiration of the TESCO and Phillips contracts. Accordingly, Getty maintains that under NGPA section 101(b)(5), which provides that where more than one applicable maximum lawful price applies, the higher one controls, the maximum lawful price for sales of all natural gas volumes under the Esperanza contract shall be \$1.85 per MMBtu, plus the inflation adjustment, the section 106(b) rollover price based on the price found in the earlier Phillips contract.

Copies of this application and the applicable contracts are on file with the Commission and are available for public inspection in the Office of Public Information, Room 1000.

Any person desiring to be heard or to make any protest to this petition should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will

<sup>1</sup> Getty's predecessor in interest in this contract was Tidewater Oil Company (Tidewater). Tidewater's obligation to supply TESCO's requirements was expressly subject to a reservation of sufficient volumes to enable Tidewater to supply other purchasers with gas produced from its share of the Old Ocean Field.

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14302 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. ST79-100-001]**

**Houston Pipe Line Co.; Filing of Extension Report**

May 8, 1981.

Take notice that on March 30, 1981, Houston Pipe Line Company (Houston Pipe), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79-100-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Houston Pipe's intention to extend a transportation service for an additional two-year period for Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Houston Pipe states that it has entered into a transportation agreement with Texas Eastern which provides for Houston Pipe to transport gas from a point or points located on its pipeline facilities near Blessing, Matagorda County, Texas, and Sheridan, Colorado County, Texas, to a point or points located on Texas Eastern's pipeline facilities in Angelina County, Texas, and the Texas Gulf Coast area.

Houston Pipe asserts that it commenced the two-year transportation of gas for Texas Eastern on June 29, 1979, and now proposes to extend and continue such transportation service for two more years. Houston Pipe estimates that the daily and total volumes of natural gas to be transported during the two-year extension period would be 2 billion Btu and 1.46 trillion Btu, respectively. It is further stated that no rate would be charged Texas Eastern for the service and the extended period would commence June 29, 1981.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14303 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. ST79-42-001]**

**Lone Star Gas Co., a Division of Enserch Corp.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 3, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. ST79-42-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Lone Star's intention to continue the sale of natural gas to El Paso Natural Gas Company (El Paso), 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.

Lone Star proposes to extend for two years its ongoing sale of natural gas to El Paso. It is stated that the sale would be continued under the same term as its current existing sale. Lone Star states that the currently effective rate to be charged El Paso is \$0.3536 per Mcf which as been duly determined by the Railroad Commission of Texas.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 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.

to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14317 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. CP81-299-000]**

**MIGC, Inc.; Application**

May 8, 1981.

Take notice that on April 23, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP81-299-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-14304 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-288-000]

#### MIGC, Inc.; Application

May 8, 1981.

Take notice that on April 16, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP81-288-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing the date of the order herein, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant, and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant requests waiver of the single project and total cost limitations prescribed by Section 157.7(b) in order to compete more efficiently with larger natural gas companies for new gas supplies in the Powder River Basin in Wyoming. Applicant proposes a total cost limitation of \$1,000,000 and a single project limitation of \$500,000 during any calendar year. Such costs, it is stated, would be financed from working funds

supplemented as necessary by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-14318 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-281-000]

#### Michigan Wisconsin Pipe Line Co.; Application

May 8, 1981.

Take notice that on April 10, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-281-000 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 pipeline, compressor and

measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under an agreement with ARCO Oil and Gas Company (ARCO) dated April 27, 1979, it has the right to purchase all of the gas reserves underlying West Cameron Block 601, South Addition, offshore Louisiana (Block 601). Applicant asserts that Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), has pipeline transmission facilities traversing Block 601 and that by letter dated March 16, 1981, has indicated its willingness to provide transportation for Applicant's Block 601 gas supplies.

Applicant proposes to construct and operate the following facilities necessary to connect the gas reserves underlying Block 601 to the pipeline facilities of Tennessee:

(1) 1.8 miles of 8½-inch O.D. lateral pipeline;

(2) 750 horsepower of compression which would be located on ARCO's offshore production platform; and

(3) gas measurement facilities also located on ARCO's platform.

Applicant estimates the total cost of the above-described facilities to be \$4,114,640 which would be financed with funds on hand.

Applicant asserts that the gas reserves proposed to be attached hereunder would assist it in offsetting declining production from other sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[F.R. Doc. 81-14305 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-304-0001]

**Natural Gas Pipeline Company of America; Application**

May 8, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-304-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas on an interruptible basis to United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated April 9, 1981, Applicant proposes herein to sell on an interruptible basis up to 37,000,000 Mcf of natural gas to United over a 363 day period from the date deliveries commence. Applicant states that it would make deliveries to United at six existing delivery points in Texas and Louisiana and at any other mutually agreeable points. Applicant submits that the subject gas represents excess volumes not required by its current customers; therefore, service to existing customers would not be impaired.

Applicant states that the proposed sale would alleviate the costly problems it has experienced concerning its take-or-pay obligations. Applicant states that reduced demand for gas because of economic and seasonal factors in addition to Applicant's lack of minimum commodity charge has reduced purchases from Applicant.

Applicant proposes to charge United for each million Btu of gas sold a rate equal to the average of the rates

effective under Applicant's currently effective Rate Schedules E-1 and G-1 minus the GRI surcharge. Applicant estimates the current composite rate to be \$2.72 per million Btu. It is further submitted that Applicant's average cost of gas is approximately \$1.92 per million Btu as of March 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[F.R. Doc. 81-14305 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-302-000]

**Natural Gas Pipeline Company of America; Application**

May 8, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois

60603, filed in Docket No. CP81-302-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation for a direct sale of natural gas on a best-efforts and interruptible basis to Dow Chemical Company (Dow), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated March 30, 1981, Applicant has agreed to sell to Dow on an interruptible and best-effort basis up to 15,000,000 Mcf of natural gas over a 363-day period from the date deliveries commence. Applicant states that it would cause the gas to be delivered to Dow at the interconnection point between the facilities of Dow and Dow Intrastate Gas Company (Dow Intrastate) at Dow's plant located near Plaquemine in Iberville Parish, Louisiana.

It is asserted that in order to transport the gas to Dow's plant, Applicant has executed a transportation agreement with Texas Gas Transmission Corporation (Texas Gas) dated April 24, 1981, and a transportation agreement with Dow Intrastate dated April 23, 1981. It is stated that the gas would be transported by Texas Gas from an existing interconnection with Applicant at the Texaco Henry Plant in Vermilion Parish, Louisiana, to the interconnection of Texas Gas and Dow Intrastate located in Lafayette Parish, Louisiana. From such point it is stated that Dow Intrastate would transport the gas to Dow's Plaquemine Plant.

Applicant proposes to charge Dow a rate equal to the sum of (1) for each million Btu of gas, the average of the rates currently effective under Applicant's Rate Schedules E-1, G-1 and WS-1 each minus the GRI surcharge; and (2) a transportation charge reflective of all current or future costs that Texas Gas and Dow Intrastate charge Applicant for such transportation plus the value of the fuel gas consumed. The current transportation charge is 15.0 cents per Mcf of gas transported by Dow Intrastate for Applicant plus 7.64 cents per Mcf of gas transported by Texas Gas plus the current value of any fuel gas consumed.

Applicant states that its supply is sufficient to make this sale to Dow without impairing or reducing service to its present customers. Applicant further states that it has experienced a significant reduction in the demand for gas because of current economic conditions, seasonal variations and a

continuing conservation by end-users. It is further stated that this sale would aid Applicant in dealing with extreme take-or-pay problems.

Dow, it is stated, would utilize the gas in the operation of its chemical and petrochemical facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14307 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-303-000]

#### Natural Gas Pipeline Company of America; Application

May 8, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-303-000

an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas on an interruptible basis to Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated March 30, 1981, Applicant proposes herein to sell to Faustina on a best-efforts and interruptible basis up to 37,000,000 Mcf of natural gas to Faustina over a 363-day period from the date deliveries commence. Applicant submits that the subject gas represents excess volumes not required by its current customers; therefore, service to its existing customers would not be impaired.

Applicant states that it would make deliveries to Faustina at the proposed interconnection of the facilities of Louisiana Resources Company (LRC) and Stingray Pipeline Company's tap and valve assembly located near Cameron Parish, Louisiana. Applicant further asserts that deliveries could also be made at any other mutually agreeable point. It is asserted that LRC would transport the gas for Faustina to a delivery point in St. James Parish, Louisiana, pursuant to Section 311 of the Natural Gas Policy Act of 1978, and pursuant to a transportation and exchange agreement dated April 15, 1981.

Applicant states that the proposed sale would alleviate the costly problems associated with its take-or-pay obligations. Applicant states that the reduced demand for gas because of economic and seasonal factors in addition to Applicant's lack of a minimum commodity charge has reduced purchases from Applicant.

Applicant proposes to charge Faustina a rate equal to the average of the rates currently effective under Applicant's Rate Schedules E-1, G-1, and WS-1 each minus the GRI surcharge. Applicant estimates the current composite rate to be \$2.84 per million Btu. It is further submitted that Applicant's average cost of gas is approximately \$1.92 per million Btu as of March 1, 1981.

Faustina, it is asserted, proposes to add the gas to its system supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14319 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-294-000]

#### Northern Natural Gas Company, Division of InterNorth, Inc.; Application

May 8, 1981.

Take notice that on April 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-294-000 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 pipeline facilities to provide for the delivery of gas to Inland Steel Mining Company's (Inland) Minorca Plant located in St. Louis County, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 5.9 miles of 6-inch pipeline and a new delivery point,

the Minorca Town Border Station, for delivery of gas to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). Applicant states that the proposed facilities would be used by Peoples in order to deliver gas sold by Peoples to Inland pursuant to a gas sales contract dated April 10, 1981. It would be delivered to Inland and Inland would purchase a minimum volume of 8,000,000 Mcf of gas over the primary term of the contract ending October 26, 1991, it is asserted. Applicant explains that the subject gas would be within Peoples' present entitlement from Applicant from volumes made available by a reduction in contract demand by Peoples' existing customer, Reserve Mining Company.

Applicant further submits that the Minorca plant presently uses distillate fuel oil and western coal in the production of taconite pellets. The use of natural gas, it is asserted, would allow the plant to operate at a more efficient and economic level.

Applicant estimates the cost of the proposed facilities to be \$1,220,500 for which Peoples would reimburse Applicant.

Applicant further avers that it has sufficient capacity on its system to accommodate the proposed service and that service to its existing customers would not be impaired.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FPR Doc. 81-14330 Filed 5-12-81: 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-293-000]

**Northern Natural Gas Company,  
Division of InterNorth, Inc.; Application**

May 8, 1981.

Take notice that on April 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-293-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Marathon Oil Company (Marathon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 2, 1981, Applicant proposes to sell to Marathon on a best-efforts basis up to 5,000 Mcf of natural gas per day for a maximum period of 45 days commencing no earlier than July 1, 1981, and terminating no later than July 1, 1982. Applicant asserts that the subject gas represents volumes in excess of the demands of its existing customers. Since the volumes proposed for sale would be contingent upon Applicant's ability to meet its existing general system volume requirements, Applicant's existing customers would not be impaired by the proposed sale, it is explained. Applicant further states that when it could not provide the total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a pro rata manner to its off-system customers.

It is asserted that the gas would be delivered to Marathon at a mutually agreeable point of delivery at or near the existing Yates Plant located in Pecos County, Texas. It is stated that Marathon would reimburse Applicant's estimated cost of \$581 for minor

modifications to its existing delivery point. The rate charged to Marathon would be the currently effective Section 102 price of the Natural Gas Policy Act of 1978, it is stated.

Applicant proposes that it also receive specific authorization for its proposed treatment of revenues received from such off-system sale. It is asserted that this revenue treatment generally provides that Northern would refund all off-system sales revenues received that are in excess of the sum of (a) any incremental costs incurred in making the sales, (b) the variable costs reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the Sales Refund Obligation provisions in Docket No. RP80-88 Stipulation and Agreement approved by the Commission on February 20, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary,

[F.R. Doc. 81-14321 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ST80-61-001]

**ONG Western, Inc.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 9, 1981, ONG Western, Inc. (ONG), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST80-61-001 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of ONG's intention to continue the sale of natural gas to Arkansas Louisiana Gas Company (Arkla) 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.

ONG states that it is currently selling natural gas to Arkla under an arrangement which began November 28, 1979, and which would terminate November 25, 1981. ONG proposes to extend the sale for an additional two-year period.

It is stated that the daily quantities of natural gas estimated to be sold during the extended period would be 70 billion Btu and the total quantity to be sold would be approximately 50 trillion Btu. ONG states that the rate to be charged for gas sold to Arkla would be equal to (a) ONG's weighted average acquisition cost of natural gas per million Btu for the month during which gas is delivered, plus (b) a fee of 10.0 cents per million Btu as compensation for expenses incurred by ONG and associated with the gathering, treatment, processing, transportation, and delivery of natural gas, plus (c) an adjustment to reflect any difference between the weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during the same billing period for which actual data are presently available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary,

[F.R. Doc. 81-14308 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. ST79-20-001]

**ONG Western, Inc.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 9, 1981, ONG Western, Inc. (ONG), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST79-20-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of ONG's intention to continue the sale of natural gas to Natural Gas Pipeline Company of America (Natural) 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.

ONG states that it is currently selling natural gas to Natural under an arrangement which began August 29, 1979, and which is expected to terminate August 28, 1981. ONG proposes to extend the sale for an additional two-year period.

It is estimated that the daily quantities of natural gas to be sold during the extended period would be 100 billion Btu and the total quantity to be sold over the two years would be 62.5 trillion Btu.

ONG states that the rate to be charged for gas sold to Natural would be equal to (a) ONG's weighted average acquisition cost of natural gas per million Btu for the month during which gas is delivered, plus (b) a fee of 10.0 cents per million Btu as compensation for expenses incurred by Applicant and associated with the gathering, treatment, processing, transportation, and delivery of natural gas along with a reasonable profit on such services, plus (c) an adjustment to reflect any differences between the weighted average acquisition cost of natural gas used for

billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during the same billing period for which actual data are presently available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary,

[F.R. Doc. 81-14309 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-276-001]

**Texas Eastern Transmission Corp.; Amendment to Application**

May 7, 1981.

Take notice that on April 10, 1981, Sabine Production Company (Applicant), 1200 Mercantile Bank Building, Dallas, Texas 75201, filed in Docket No. CP81-276-001 an amendment to the pending application of Texas Eastern Transmission Corporation (Texas Eastern) in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the addition of Applicant as joint applicant and to correct the identifying status of certain named gas reserves, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant state that in the application filed April 8, 1981, Texas Eastern requested authorization for the exchange and delivery of gas to Applicant for gas-lift operation purposes. It is stated that Applicant originally filed a petition for leave to intervene in support of Texas Eastern's application and requested expedited consideration in order to insure timely restoration of oil production and to prevent a loss of Applicant's lease. Applicant states that on April 10, 1981, it

requested to be made a joint applicant in this docket.

It is further stated that gas reserves attributable to Applicant's interests in Panola County, Texas, have not been dedicated to interstate commerce by Applicant and further to the best of Applicant's knowledge and belief such gas had not been previously dedicated to interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14322 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-291-000]

**Texas Eastern Transmission Corp.; Application**

May 7, 1981.

Take notice that on April 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-291-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a firm storage withdrawal service for certain of its Rate Schedule SS-II customers and to construct and operate additional pipeline facilities required to render such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued June 16, 1980, in Docket No. CP80-170 it was authorized to render a long-term storage service under a new Rate Schedule SS-II for twelve of its existing resale customers. It is further stated that Applicant obtained storage capacity from Consolidated Gas Supply

Corporation (Consolidated) and presently delivers gas tendered to it by its customers to Consolidated for storage for the SS-II customers' accounts. It is submitted that upon request Applicant withdraws and redelivers on an interruptible basis up to 34,000 dekatherms (dt) equivalent of gas per day, less six percent for gas used by Applicant in providing service.

Applicant further states that by order issued March 20, 1981, it was authorized to install and operate facilities (Phase I) on its Penn-Jersey system providing 87,620 Mcf per day increased capacity to render 89,172 dt equivalent per day firm daily withdrawal service. It is submitted that pre-construction activities have begun on the Phase I facilities.

Applicant proposes to provide a firm storage withdrawal service (Phase II) for certain of its Rate Schedule SS-II customers at the following Firm Daily Withdrawal Quantities (FDWQ):

	Firm daily withdrawal quantities (dekatherms per day)
Algonquin Gas Transmission Company	20,107
New Jersey Natural Gas Company	5,174
Philadelphia Electric Company	13,270
Philadelphia Gas Works	4,276
Public Service Electric and Gas Company	17,173
United Cities Gas Company	3,177
Total	63,177

Applicant further proposes to construct and operate the following facilities required to render such service:

(1) 25.5 miles of 30-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 (Penn-Jersey System) at six locations between Delmont and Bechtelsville, Compressor Stations;

(2) 2.75 miles of 36-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 between Bechtelsville and Lambertville (No. 26) Compressor Stations;

(3) Expansion of three measuring and regulating stations.

Applicant asserts that the installation of the proposed facilities on its Penn-Jersey system downstream of the Consolidated delivery point at Oakford (west of Delmont station) would provide 58,958 Mcf per day of increased capacity.

Applicant estimates the total cost of the proposed facilities to be \$30,195,000 which would be financed initially from funds on hand and/or from borrowings under Applicant's revolving credit agreements.

Applicant also estimates a firm demand charge of \$8.30 per dt equivalent of FDWQ per month. It is submitted that precedent agreements

have been executed with the six SS-II customers which have requested FDWQ and that the annual costs associated with all facilities which must be added to Applicant's system to render the firm withdrawal deliveries would be borne by the SS-II customers which requested such service by means of the firm demand charge.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14323 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-224-000]

**Valero Transmission Co.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio,

Texas 78292, filed in Docket No. ST81-224-000 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Applicant's intention to continue the sale of natural gas to El Paso Natural Gas Company (El Paso) for an additional two-year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to El Paso is June 8, 1979, and the anticipated termination is June 8, 1983. It is further stated that the estimated total and daily quantities of natural gas are 365 trillion Btu and 250 billion Btu, respectively.

Pursuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to El Paso at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-14324 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ST81-222-000]**

**Valero Transmission Co.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. ST81-222-000 and extension report

pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Petitioner's intention to continue the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) for an additional two-year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to Texas Eastern is July 18, 1979, and the anticipated termination is July 18, 1983. It is further stated that the estimated total and daily quantities of natural gas are 73 trillion Btu and 50 billion Btu, respectively.

Pursuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to Texas Eastern at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-14325 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. ST81-223-000]**

**Valero Transmission Co.; Filing of Extension Report**

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. ST81-223-000 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 Petitioner's intention to continue the sale of natural gas to Transwestern Pipeline Company (Transwestern) for an additional two year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to Transwestern is June 13, 1979, and the anticipated termination is June 13, 1983. It is further stated that the estimated total and daily quantities of natural gas are 73 trillion Btu and 50 billion Btu, respectively.

Pursuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to Transwestern at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 81-14325 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Docket No. CP81-301-000]**

**American Natural Rocky Mountain Co.; Application**

May 11, 1981.

Take notice that on April 24, 1981, American Natural Rocky Mountain Company (Applicant), 100 West Tenth Street, Wilmington, Delaware 19801, filed in Docket No. CP81-301-000 an applicant 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 pipeline and compressor facilities to provide transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 375 miles of 24-inch O.D. pipeline to extend from Colorado Interstate Gas Company's (CIG) Cheyenne Compressor Station in Weld County, Colorado, to a point near Greensburg, Kansas, to connect with Mich Wis' transmission system in Kiowa County, Kansas. Applicant also proposes to construct and operate a compressor station of approximately 3,500 horsepower and appurtenant facilities in Weld County, Colorado, including gas measurement facilities necessary to meter deliveries from CIG to Applicant for the account of Mich Wis.

Applicant states that the proposed facilities would facilitate delivery of gas supplies which Mich Wis is attempting to acquire as part of its gas exploration program in the Overthrust Region and other areas of the Rocky Mountain area. Mich Wis, it is stated, has previously utilized the facilities of CIG to move gas acquired in the Rocky Mountain area but CIG has informed Mich Wis of present and future constraints on this part of its system.

It is stated that the proposed facilities would have an initial capacity of 175,000 Mcf of natural gas per day which Applicant would make available to Mich Wis pursuant to a transportation agreement between the parties dated April 22, 1981. The transportation agreement would also provide for a monthly payment by Mich Wis at a level calculated to enable Applicant to reduce its costs including a reasonable return on its investment.

Applicant estimates the total cost of the proposed facilities to be \$138,820,190 to be initially financed by an equity contribution of \$35,300,000, and the remainder by bank loans. It is stated that repayment of such loans would be made from the proceeds of the sale of long-term debt securities the provisions for which depend on prevailing market conditions at the time of such sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14436 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. G-1440-000]

**Louisiana-Nevada Transit Co.; Petition To Amend**

May 11, 1981.

Take notice that on April 23, 1981, Louisiana-Nevada Transit Company (Petitioner), P.O. Box 8789, Denver, Colorado 80201, filed in Docket No. G-1440-000 a petition to amend the order issued September 19, 1950,<sup>1</sup> as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale and delivery of natural gas to Arkansas Louisiana Gas Company (Arkla) as successor-in-interest to the City of DeQueen, Arkansas (DeQueen), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

<sup>1</sup> This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000), it was transferred to the Commission.

Petitioner states that by order issued September 19, 1950, it was authorized to sell up to 3,000 Mcf of natural gas per day to DeQueen. On September 6, 1951, Petitioner was authorized to sell an additional 2,000 Mcf to DeQueen for resale to Mena, Arkansas and certain other Arkansas communities.

It is stated that Arkla has entered into an agreement for the acquisition of the gas systems of DeQueen, Mena, and other Arkansas communities receiving gas from DeQueen and to operate those systems as part of its Arkansas intrastate distribution system. The subject acquisition, it is asserted, is subject to certain as yet unfulfilled conditions including Commission authorization.

Petitioner has entered into agreements with Arkla dated October 30, 1980, whereby Petitioner agrees to recognize Arkla as DeQueen's successor-in-interest. Arkla, it is submitted, would purchase gas from Petitioner in volumes not to exceed 1,013,185 Mcf annually which is the volume purchased by DeQueen during the recent 12-month period ending August 31, 1980. It is asserted gas would be delivered to Arkla at the existing delivery point for sales to DeQueen near Okay, Arkansas. Petitioner states that its maximum daily delivery obligation to Arkla would not exceed 5,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14437 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-300-000]

**Northern Illinois Gas Co., Application**

May 11, 1981.

Take notice that on April 23, 1981, Northern Illinois Gas Company

(Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. CP81-300-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport, sell, or assign natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA, 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 received approximately 490,000,000 Mcf of natural gas from its interstate pipeline suppliers during 1980. It is stated that such gas was exempt from the Commission's jurisdiction under Section 1(c) of the Natural Gas Act. It is asserted that during the same period Applicant received approximately 521,000,000 Mcf of natural gas from all sources of supply including its noninterstate manufactured gas sources. It is stated that all of Applicant's existing facilities and operations conducted thereby are exempt pursuant to Section 1(c) of the Natural Gas Act.

Applicant submits that it is willing and able to comply with the conditions set forth in paragraph (e) of Section 284.222 of the Commission's Regulations. Applicant elects to submit to the Commission for its approval a transportation rate of \$.2185 per million Btu which is computed by using that portion of Applicant's weighted average annual unit revenue generated by rates approved by the Illinois Commerce Commission which is attributable to the cost of gathering, treatment, processing, transportation, delivery or similar service, including storage.

Applicant understands that the volumes of natural gas sold or assigned during calendar year 1981 or any year thereafter under the blanket certificate may not exceed the volumes, including manufactured volumes, obtained from sources other than interstate gas suppliers during that calendar year. It is Applicant's further understanding that it may in 1981, or in any year thereafter, sell or assign the additional volumes of gas it holds in storage attributable to noninterstate supplies which is no less than 30,000,000 Mcf.

Applicant requests that the Commission declare that the proposed sales or assignments would not impair the continued validity of Applicant's exclusion from the applicability of the Natural Gas Act under Section 1(c)

thereof and would not subject it to the jurisdiction of the Commission except to the extent necessary to enforce the terms and conditions of the certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14438 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 27, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the refund reports are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14439 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Docket No. CP81-298-000]

**Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application**

May 11, 1981.

Take notice that on April 22, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-298-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import Canadian natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import from Canada a total volume of up to 300,000 Mcf per day of natural gas purchased from TransCanada PipeLines Limited (TransCanada) on a firm basis commencing not later than November 1, 1982.

Applicant states that it has entered into two precedent agreements and pro forma gas purchase contracts with TransCanada. It is submitted that the first, dated November 5, 1980, provides for the sale and purchase of a daily contract quantity of up to 100,000 Mcf per day; and the second, dated January 9, 1981, provides for the sale and purchase of a daily contract quantity of up to 200,000 Mcf per day. It is also submitted that such agreements provide for the importation, on any day, such volumes of gas in excess of 300,000 Mcf which TransCanada is authorized to export for sale to Applicant on a best-efforts basis. It is further stated that sales under each agreement would extend for a period of ten years from the date of initial deliveries, plus an additional period of up to one year if necessary to enable applicant to make up gas previously undelivered by TransCanada including any gas paid for but not taken during the initial ten-year period.

Applicant states that pursuant to such agreements, Applicant would be

[Docket No. ER80-337]

**Southwestern Electric Power Co.; Filing of Refund Reports**

May 8, 1981.

Take notice that on April 28, 1981 Southwestern Electric Power Company submitted to the Commission for filing in this docket proposed refund reports. These reports are filed pursuant to the Commission's letter order in this docket dated March 27, 1981.

obligated each year to take or pay for a minimum annual quantity of gas equal to 75 percent of the product of the daily contract quantity of 100,000 Mcf and 200,000 Mcf, respectively, and the number of days in the contract year, less any volumes requested by Applicant but not delivered by TransCanada.

Applicant submits that the subject gas would be delivered to Applicant at the existing point of interconnection between the pipeline facilities of Applicant and TransCanada of the international border near Niagara Falls, New York.

Applicant states that the price of the imported gas would be the international border price as established from time to time by the National Energy Board of Canada which price effective April 1, 1981, is \$4.94 (U.S.) per million Btu.

Applicant asserts that the importation of such Canadian natural gas is necessary in order to reduce the anticipated level of curtailment on Applicant's system which would otherwise be expected to occur, and to enhance Applicant's ability to meet the winter peak day and seasonal demands of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14440 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-321-000]

#### Transcontinental Gas Pipe Line Corp.; Application

May 6, 1981.

Take notice that on May 5, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1398, Houston, Texas 77001, filed in Docket No. CP81-321-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities

offshore Texas and onshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 74,372 feet of 10-inch lateral line which extends from a production platform in Block 10L, High Island area, offshore Texas, to onshore Texas and across the Sabine River to onshore Louisiana to Applicant's Mile Post 13.84 in Cameron Parish. Applicant states that the subject line was used to take gas purchased from Mobil Oil Corporation from the High Island 10L platform and that deliveries ceased in September 1970 due to depletion of reserves. Applicant also proposes to abandon approximately 500 feet of 8-inch line which connects, on the Texas side of the Sabine River, with the 10-inch lateral and Applicant's nearby 24-inch North High Island lateral. The 8-inch line was used occasionally to divert gas from the 10-inch lateral to the 24-inch lateral during periods when such was necessary for operational reasons. Applicant states that now that the portion of the 10-inch line for which abandonment is sought no longer has gas flowing through it, there is no longer any need for the 8-inch line.

Applicant indicates that portions of the subject lines would be removed and other portions would be abandoned in place.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if

the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

[FR Doc. #1-14441 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-24-001]

#### United Gas Pipe Line Co.; Amendment to Application

May 11, 1981.

Take notice that on April 27, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-24-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect deletion of the Vinton, Louisiana, delivery point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket it proposes, *inter alia*, to transport up to 7,000 Mcf of natural gas per day for Tenneco Oil Company, a Division of Tenneco Inc. (Tenneco) pursuant to a gas transportation agreement between the parties dated September 26, 1980. It is stated that deliveries to Tenneco were to be made at four redelivery points including Vinton, Cameron Parish, Louisiana, which Applicant now proposes to delete.

Pursuant to a letter agreement between Applicant and Tenneco dated March 30, 1981, Applicant hereby amends its application to show the redelivery points as (i) Cocodrie, Terrebonne Parish, Louisiana; (ii) Bayou Sale, St. Mary Parish, Louisiana; and/or (iii) any other mutually agreeable existing points of interconnection between facilities of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. and Applicant.

Applicant avers that all other terms of the September 26, 1980, agreement remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2,

1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again. Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14442 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. CP81-25-001]**

**United Gas Pipe Line Co.; Amendment to Application**

May 11, 1981.

Take notice that on April 27, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-25-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the deletion of Vinton, Louisiana, as a redelivery point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket it proposes, *inter alia*, to transport up to 20,000 Mcf of natural gas per day for Tenneco Oil Company, a Division of Tenneco Inc. (Tenneco) pursuant to a gas transportation agreement between the parties dated September 26, 1980. It is stated that deliveries to Tenneco were to be made at four delivery points including Vinton, Cameron Parish, Louisiana, which Applicant now proposes to delete.

Pursuant to a letter agreement between Applicant and Tenneco dated March 30, 1981, Applicant hereby amends its application to show the redelivery points as (i) Cocodrie, Terrebonne Parish, Louisiana; (ii) Bayou Sale, St. Mary Parish, Louisiana; and/or (iii) any other mutually agreeable existing points of interconnection between facilities of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Applicant.

Applicant avers that all other terms of the September 26, 1980, agreement remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again. Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14443 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Docket No. ER81-435-000]**

**Virginia Electric & Power Co.; Filing**

May 8, 1981.

Take notice that on April 30, 1981, Virginia Electric and Power Company (VEPCO) tendered for filing a revised Supplement B to its FERC Electric Tariff, Revised Volume No. 1, for the City of Harrisonburg, Virginia (Harrisonburg). VEPCO requests that the revised Supplement B become effective on September 29, 1980. VEPCO states that the revised Supplement B reflects the fact that due to construction and shipping delays Harrisonburg did not begin taking all of its electricity from VEPCO at 69 kV until September 29, 1980, instead of the originally projected date of September 1, 1978.

VEPCO further states that there will be no significant increase in the unit cost of electricity to Harrisonburg as a result of receiving all of its electricity at 69 kV, and therefore VEPCO requests waiver of the required billing data.

Any person wishing to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1981. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 81-14444 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

**[Project No. 3409-000]**

**Boyne USA, Inc.; Application for Short-Form License (Minor)**

May 8, 1981.

Take notice that Boyne USA, Inc. (Applicant) filed on August 27, 1980, an application of license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Boyne River Dam Project No. 3409. The project would be located on Boyne River in Charlevoix County, Michigan. Correspondence with the Applicant should be directed to: Mr. Everett F. Kircher, President, Boyne USA, Inc., Boyne Mountain Lodge, Boyne Falls, Michigan 49713.

**Project Description**—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 1,360 acre-feet and an area of 80 acres at normal power pool elevation of 58.0 feet m.s.l.; (2) an existing concrete and brick powerhouse. The powerhouse is to contain one generating unit rated at 250 kW; (3) an existing dam whose crest length is 950 feet long and 25 feet high. The north embankment section of the dam is 300 feet long, and the left embankment section is 600 feet long. The spillway section of the dam is made of concrete, and the embankment sections are earth constructed; (4) proposed 7,200-volt transmission lines; and (5) appurtenant facilities. The estimated average annual energy output of the proposed project would be 1,260,000 kWh.

**Purpose of Project**—Power produced at the project would be delivered to a substation adjacent to the left abutment and sold to Consumer Power Company.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the

National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. 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 13, 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 November 10, 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 Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). 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 13, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14284 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4475-000 and Project No. 4485-000]

**City of Ashland, K. A. Case;  
Application for Preliminary Permit**

May 8, 1981

Take notice that the City of Ashland, Oregon and K. A. Case (Applicants)

filed on April 3, and April 6, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4475 and 4485 respectively to be known as the Applegate Project located on the Applegate River in Jackson County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Brian L. Almquist, City Administrator, City of Ashland, Ashland, Oregon 97520, and K. A. Case, 625 S. Highland, Arlington, Virginia 22204. Any person who wishes to file a response to this notice should read the entire notice, must comply with the requirements specified for the particular kind of response that person wishes to file, and must indicate which application is being addressed.

**Project Description**—Project No. 4475 would consist of: (1) a tunnel connecting to the existing outlet tunnel to the U.S. Army Corps of Engineers' Applegate Dam; (2) a powerhouse having a capacity of 10 MW; (3) a tailrace discharging into the existing outlet channel; and (4) a 9-mile long transmission line. Project No. 4485 would consist of: (1) a penstock through the right abutment of the Applegate Dam; (2) a powerhouse located immediately downstream of the dam containing two generating units rated at 6 MW and 3 MW; (3) a tailrace discharging into the existing outlet channel; and (4) associated electrical and transmission equipment. The Applicants estimate that the average annual energy output of Projects Nos. 4475 and 4485 would be 42,000 MWh and 38,000 MWh respectively.

**Purpose of Project**—Energy from Project No. 4475 would be used by the City of Ashland or sold. Energy from Project No. 4485 would be sold.

**Proposed Scope and Cost of Studies under Permit**—Applicants would conduct detailed studies to determine the technical, economic, financial, and environmental feasibility of the project. The costs of the proposed studies and preparation of an application for license is estimated to be \$60,000 for Project No. 4475 and \$65,000 for Project No. 4485.

**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 applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—These applications were filed as competing applications to Cascade Waterpower Development Corporation's Project No. 3379 filed on August 25, 1980, under 18 CFR (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 these applications 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 10, 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 Projects Nos. 4475 and 4485. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. #1-14285 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4419-000]

**Consolidated Hydroelectric, Inc.; Application for Preliminary Permit**

May 8, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4419 to be known as Grouse Creek, Humboldt located on Grouse Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would consist of two facilities. The Upper Facility would consist of: (1) two natural rock diversion structures; (2) a 13-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 31-foot long, 5-foot high, 8-foot wide concrete diversion structure; (4) two diversion conduits or channels with a total length of 8,400 feet; (5) a 1,300-foot long, 36-inch diameter penstock; (6) a powerhouse containing generating equipment with combined capacity of 1,000 kW; and (7) a 1.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 3.7 million kWh.

The Lower Facility would consist of: (1) a natural rock diversion structure; (2) a 96-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 10,200-foot long diversion conduit or channel; (4) an 800-foot long, 36-inch diameter penstock; (5) a powerhouse containing generating equipment with a

combined capacity of 2,400 kW; and (6) a 0.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 9.6 million kWh.

**Purpose of Project**—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

**Proposed Scope and Cost of Studies under Permit**—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be \$80,000 to \$140,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 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 11, 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 13, 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. 4419. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., 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. #1-14286 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3551-000, Project No. 3636-000 and Project No. 3954-000]

**Continental Hydro Corp., Gregory Wilcox, Energenics Systems, Inc.; Applications for Preliminary Permits**

May 11, 1981.

Take notice that Continental Hydro Corporation (CHC) Gregory Wilcox (Wilcox), and ENERGENICS SYSTEMS, INC. (Applicants) filed on October 9,

1980 (amended December 9, 1980), November 3, 1980 (amended February 4, 1981), and January 12, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Projects Nos. 3551, 3638, and 3954, respectively, to be known as Pilot Butte Power Project located at the U.S. Water and Power Resource Service's Pilot Butte Reservoir on the Wind River in Fremont County, Wyoming. The applications are on file with the Commission and are available for public inspection. Correspondence with CHC should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Wilcox should be directed to Appropriate Technologies, Inc., Attention: Mr. George L. Smith, P.O. Box 1016, 255 "B" Street, Idaho Falls, Idaho 83401. Correspondence with ENERGENICS SYSTEMS, INC. should be directed to: Mr. Thomas M. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street NW, Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would utilize the U.S. Water and Power Resource Service (WPRS) existing Pilot Butte Dam and Reservoir.

CHC proposes to study the installation of hydroelectric generating capacity at the existing Pilot Butte Dam. The existing headworks at the site would be modified to accommodate the proposed project, consisting of: (1) a proposed powerhouse with approximately 3.5 MW installed capacity, located below the dam on the northeastern bank of the existing outlet channel; (2) a proposed penstock, approximately 250 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. CHC also proposes to study the installation of a hydroelectric powerplant to replace the existing non-operating Pilot Butte Powerplant. A new powerplant would utilize the existing gate structure in the Wyoming Canal for water diversion, and would consist of: (1) a proposed powerhouse, with an installed capacity of approximately 3.5 MW, and located adjacent to the existing powerhouse structure; (2) a proposed penstock, approximately 900 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. The average

annual generation is estimated to be approximately 11.0 GWh for each of the two facilities.

Wilcox proposes to study the installation of additional hydroelectric capacity at the existing Pilot Butte Powerplant. The proposed facilities would include: (1) a proposed powerhouse adjacent to the existing powerhouse structure with an installed capacity of either 1.8 MW or 3.4 MW, depending on whether or not the WPRS reactivates the existing powerplant; (2) proposed penstock, approximately 950 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. Wilcox also proposes to study the installation of generating facilities at the Pilot Butte Dam outlet works. The proposed facilities would include: (1) a proposed powerhouse located at the dam outlet conduit, with a minimum installed capacity of 1.3 MW; (2) a proposed switchyard; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. Wilcox estimates an annual energy production of up to 17.7 GWh for the proposed facility adjacent to the existing powerplant.

ENERGENICS SYSTEMS, INC. proposes to study the installation of hydroelectric generating capacity at the non-operating Pilot Butte Powerplant. The proposed facilities would include: (1) a proposed powerhouse with a 4.4 MW generating unit located adjacent to the existing powerhouse; (2) a proposed penstock, approximately 950 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. The estimated average annual generation is approximately 9.0 GWh.

**Purpose of Project**—CHC proposes to sell project energy to the U.S. Water and Power Resources Service or to nearby public institutions or industrial users. Wilcox indicates that the market for the power from the proposed project would include the City of Riverton and other communities and irrigation districts of Fremont County through interconnection with existing transmission facilities. ENERGENICS SYSTEMS, INC. states that the most likely market for the power is the Western Area Power Administration and Riverton Valley Electric Association, and that other appropriate alternatives, such as possible sale to nearby public institutions or industrial users, will be investigated.

**Proposed Scope and Cost of Studies under Permit**—CHC and ENERGENICS SYSTEMS, INC. seek issuance of a preliminary permit for a period of 36 months, while Wilcox seeks a preliminary permit for a period of 24 months. Each Applicant proposes to

perform technical, economic and environmental studies of the project to determine its feasibility, and to prepare an application for license if the project is determined to be feasible. CHC and Wilcox estimate the cost of studies under the permit to be \$50,000, while ENERGENICS SYSTEMS, INC. estimates its costs to be \$40,000.

**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 applications may be obtained directly from the Applicants.) 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 20, 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 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions to Intervene**—Anyone desiring to be heard or to make any protests about these applications 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 20, 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 Projects Nos. 3551, 3836 and 3954. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW, 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. 81-14287 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2232]

#### Duke Power Co.; Application for Approval of Change in Land Rights

May 8, 1981

Take notice that an application was filed on January 19, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) by Duke Power Company, Licensee for the Catawba-Wateree Project No. 2232, for approval of a change in land rights at Lake Rhodhiss, the project reservoir. The project is located in Burke County, North Carolina. The Licensee proposes to grant a 2.47-acre easement to North Carolina Department of Transportation for the purpose of replacing the existing SR 1501 bridge. The new bridge would

be located approximately 1,300 feet downstream of the existing structure, and would provide increased vertical clearance above project water.

**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 requirement 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 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14288 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4138-000]

#### Energenics Systems, Inc.; Application for Preliminary Permit

May 11, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4138, to be known as Kentucky River Lock and Dam No. 6 located on the Kentucky River in Mercer County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, NW, Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and

would consist of: (1) a proposed penstock located upstream from the left bank to the powerhouse; (2) a proposed powerhouse located on the east bank of the river; (3) a proposed tailrace; (4) transmission lines; and (5) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 5.0 MW, and the annual energy output to be 23.2 GWh. The proposed project is located on Federal lands.

**Purpose of Project**—Energy produced at the proposed project would be sold to Kentucky Utilities Company or other appropriate alternative. Possible sale to nearby public institutions or industrial users will also be investigated.

**Proposed Scope and Cost of Studies Under Permit**—Applicant has requested a 36-month permit to prepare a definitive project report, including, but not limited to, hydrological studies, performance characteristics, environmental and social impacts, marketing, investment and annual operation and maintenance costs, investigation of availability and suitability of turbines and generators and development plans for putting the power on-line. The Applicant estimates that a total of \$40,000 shall be expended for the above work.

**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 15, 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 14, 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 15, 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. 4138. 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. 81-14289 Filed 5-12-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4226-001]

**Fort Miller Pulp and Paper, Inc.; Application for Preliminary Permit**

May 8, 1981.

Take notice that the Fort Miller Pulp and Paper, Inc. (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for proposed Project No. 4226 to be known as the Fort Miller Project located on the Hudson River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James L. Cottrell, President; Fort Miller Pulp and Paper Company, Inc.; Fort Edward, New York 12828. 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 Applicant proposes two alternatives. Both alternatives would utilize: (1) an existing 9-foot high timber crib dam having a crest length of 750 feet; and (2) an existing reservoir with a surface area of 24 square miles at a mean surface elevation of 114.7 feet (USGS datum).

Alternative 1 would consist of: (1) an existing intake structure; (2) an existing powerhouse with new generating units having an installed capacity of 3,350 kW; (3) an existing tailrace; (4) a new transmission line, and switchyard equipment; and (5) appurtenant works. The Applicant estimates that the average annual energy output under Alternative 1 would be 22,185,309 kWh.

Alternative 2 would consist of: (1) a new powerhouse with generating units having an installed capacity of 3,370 kW; (2) a new tailrace (3) a new transmission line and switchyard equipment; and (4) appurtenant works. The new powerhouse would replace a short section of the dam. The Applicant estimates that the average annual energy output under Alternative 2 would be 22,212,503 kWh. The existing dam and reservoir are owned by the Applicant.

*Purpose of Project*—Project energy generated would be utilized by the Applicant for paper manufacturing. Surplus power generated would be sold to the Niagara Mohawk Power Corporation.

*Proposed Scope and Cost of Studies Under Permit*—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project

construction and operation, and project power potential. Dependent upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be \$65,000.

*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 13, 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 11, 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 13, 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. 4226. 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. 81-14290 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Project No. 3267]**

**Greater Malone Community Council, Inc.; Application for Short-Form License (Minor)**

May 8, 1981.

Take notice that the Greater Malone Community Council, Inc. (Applicant) filed on July 24, 1980, and amended on December 18, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for redevelopment and operation of a waiver power project to be known as the Ballard Mill Project No. 3267. The project would be located on the Salmon River in the Town of Malone, Franklin County, New York. Correspondence with the Applicant should be directed to: Mr. James Calnon, Chairman, Greater Malone Community Council, Inc., South Williams Street, Malone, New York 12953.

*Project Description*—The proposed project would consist of: (1) a reinforced

concrete gravity overflow-type dam about 200 feet long and about 10 feet high extending across the main channel with a crest elevation of 696 feet U.S.G.S. and a sluice control structure at each abutment; (2) a reservoir having a surface area of 10 acres and a storage capacity of 50 acre-feet; (3) a powerhouse extending across the east (right) channel containing two generating units having a combined total rated capacity of 250 kW; (4) a tailrace channel; and (5) appurtenant facilities.

*Purpose of Project*—Applicant would improve and re-activate the existing facility to provide energy for Applicant's use and to sell surplus energy to the local power company. Applicant estimates the annual generation would average about 1,000,000 kWh.

*Agency Comments*—Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal request for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. 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 13, 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 November 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328, October 25, 1979.]

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest

may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 13, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14291 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Project No. 3878-001]**

**Gregory Wilcox; Application for Preliminary Permit**

May 11, 1981.

Take notice that Gregory Wilcox (Applicant) filed on April 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. 3878 to be known as Mesa Falls located near the Town of Ashton on Henry's Fork of the Snake River in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Gregory Wilcox, 506 15th Street, 6th Floor, Oakland, California 94612, and to George L. Smith, P.O. Box 1018, 255 "B" Street, Idaho Falls, Idaho 83401. 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 be located upon lands of the United States within the Targhee National Forest and would consist of two Developments:

A. The Upper Development comprising: (1) a 350-foot long and 6-foot high concrete diversion structure with crest elevation 5,606 m.s.l.; (2) a reservoir extending less than 800 feet upstream; (3) an intake structure; (4) two underground 8-foot diameter 230-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 8,000 kW; (6) a 3,000-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant

estimates that the average annual energy output would be 63,100,000 kWh.

B. The Lower Development comprising: (1) a 280-foot long and 6-foot high concrete diversion structure with crest elevation 5,428 m.s.l.; (2) a reservoir extending less than 800 feet upstream; (3) an intake structure; (4) two underground 8-foot diameter 400-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 4,500 kW; (6) a 1,500-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,500,000 kWh.

*Purpose of Project*—Project energy would be sold to local cities and communities.

*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 prepare technical, economic, financial, and environmental studies, consult with Federal, State, and local agencies, and would prepare an application for an FERC license.

Applicant estimates the cost of the studies under the permit would be \$75,000.

*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 15, 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 14,

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 15, 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. 3878. 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. 81-14292 Filed 5-12-81: 8:45 am]

BILLING CODE 6450-85-M

**[Project No. 4498]**

**Placer County Water Agency; Application for Preliminary Permit**

May 11, 1981.

Take notice that Placer County Water Agency (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4498 to be known as the American River North Fork Dam Power Project located on the North Fork of the American River in Placer County, near Auburn, California. The application is on file with the Commission and is available for public inspection.

Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631, with a copy to Mr. Edward J. Tiedemann, 555 Capitol Mall, Suite 900, Sacramento, California 95814. 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, to be located at the base of the existing U.S. Army Corps of Engineers' North Fork Dam, would consist of: (1) a 300-foot long, 6-foot diameter penstock serving; (2) a powerhouse with a rated capacity of 12 MW; and (3) 1.5 miles of 60-kV transmission line to connect to the existing Pacific Gas and Electric Company's Mt. Quarries substation.

The Applicant estimates that the average annual energy output would be 46.6 million kWhs.

*Purpose of Project*—The power generated at the project would be sold to Pacific Gas and Electric Company.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated to be about \$70,000.

*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 City of McFarland and Western Renewable Resources' Project No. 3256, the City of Redding's Project No. 3704, and the City of Santa Clara's Project No. 4240, filed on July 17, 1980, November 12, 1980, and February 23, 1981, respectively, under 18 CFR (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 11, 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. 4498. 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. 81-14233 Filed 5-12-81; 8:45 am]

**BILLING CODE 6450-85-M**

**[Project No. 4518-000]**

**Mr. Stephen J. Gaber; Application for Preliminary Permit**

April 8, 1981.

Take notice that Mr. Stephen J. Gaber (Applicant) filed on April 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. 4518 to be known as Racehorse Creek Hydroelectric Project located on the Racehorse 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: Mr. Stephen J. Gaber, 2551 Mt. Baker Highway, 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 new 10-foot high by 35-foot long diversion dam; (2) a 36-inch, 4,000-foot long penstock leading to; (3) a powerhouse to contain one pelton-type, turbine-generating unit with a rated capacity of 1.5 MW; (4) a tailrace channel; and (5) a 5.5-mile long transmission line to connect to an existing Puget Sound Power & Light Company transmission line. The Applicant estimates that the average annual energy output would be 8 GWhs.

**Purpose of Project**—Applicant proposes to sell the project energy to the Puget Sound Power & Light Company.

**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 prepare a definitive project report that would include engineering.

economic, and environmental data. The applicant has filed a detailed work plan for new dam construction. No new road would be required to conduct the proposed studies. The Applicant states that no test pits, borings, or other foundation exploration would be required during the permit period. The cost of the activities under the permit, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about \$61,000.

**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 Racehorse Company's application for Project No. 4238 filed on February 23, 1981, 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 of 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 10, 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. 4518. 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. 81-14294 Filed 5-12-81; 8:45 am]

**BILLING CODE 6450-85-M**

[Project No. 4445-000]

**Timothy R. Fallon; Application for Preliminary Permit**

May 8, 1981.

Take notice that Timothy R. Fallon (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. 4445 to be known as the Fallon Water Power Project located on the Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish; Project Engineer; Daverman and Associates, P.C.; 500 South Salina Street; Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified

for the particular kind of response that person wishes to file.

**Project Description**—The proposed project would consist of: (1) an existing concrete gravity dam, 22 feet high with a crest length of 189 feet; (2) an existing reservoir with a storage capacity of 101 acre-feet and a mean surface elevation of 392.0 feet (USGS datum); (3) an existing intake structure with control gates; (4) an existing powerhouse with new generators having an installed capacity of 650 kW; (5) an existing tailrace; (6) a new transmission line, 150 feet long; and (7) appurtenant facilities. The existing facilities are owned by Mr. Robert Abaro. The Applicant estimates that the average annual energy output would be 2,400,000 kWh.

**Purpose of Project**—Project energy would be sold to the Village of Theresa and/or the Niagara Mohawk Power Corporation.

**Proposed Scope and Cost of Studies under Permit**—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be \$25,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the 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 16, 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 14, 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 16, 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. 4445. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14295 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 4104-000]

**Town of Canton, Conn., The Collinsville Co.; Application for Preliminary Permit**

May 8, 1981.

Take notice that the Town of Canton, Connecticut and the Collinsville Company (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4104 to be known as the Collins Dams Project located on the Farmington River in Litchfield and Hartford Counties, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas M. Perry, President, The Collinsville Company, P.O. Box 2, Collinsville, Connecticut 06022. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements that person wishes to file.

**Project Description**—The proposed project would consist of:

(1) The existing Collins Company Upper Dam, having a height of 32 feet and a length of 660 feet. The Applicant owns five existing hydroelectric power stations with penstocks drawing water from the Upper Dam, which have a total installed generating capacity of 1,250 kW. The Applicant proposes to recondition and refurbish the above power stations as part of Project No. 4104, construct a new 500-kW power station, and increase the total generating capacity at the dam to 2,100 kW. The turbine at the new 500-kW power station would be capable of passing fish without killing them;

(2) the existing Collins Company Upper Dam reservoir, with an elevation of 292.2 feet msl and negligible storage capacity;

(3) the existing Collins Company Lower Dam, having a height of 33 feet and a length 400 feet. The Applicant proposes to install 1,100 kW of generating capacity at the Lower Dam site. One 600-kW turbine at the site would be capable of passing fish without killing them;

(4) the Collins Company Lower Dam reservoir, having a normal pond surface

elevation of 289.7 feet msl and negligible storage capacity;

(5) the proposed Breezy Hill pumped storage dam and reservoir. The dam would have a height of ten feet and a length of up to 1,000 feet. It would retain a reservoir to be located on Breezy Hill on land owned by the Applicant;

(6) a penstock leading from the Breezy Hill dam and having a length of up to 6,000 feet, leading to;

(7) a powerhouse to be located at a site to be determined, having total a installed capacity of 15,000 kW; and

(8) appurtenant works.

The project would have a total installed capacity of 18,200 kW, and an approximate average annual generation of 10,000,000 kWh.

**Purpose of Project**—Power generated at the project would be used by the Applicants for industrial and municipal purposes or sold to a local public utility.

**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 Collins Company Dams Project No. 3271 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 10, 1981.

**Filing and Service of Responsive Documents**—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", 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. 4104. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14295 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

[Project No. 2854-001]

**Town of Vidalia, Louisiana; Application for Major License**

May 11, 1981.

Take notice that an application was filed on April 7, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Town of Vidalia, Louisiana (Applicant) for a license for the Old River Hydroelectric Project, FERC No. 2854. The project would be located on the Mississippi River approximately 3,000 feet downstream of the existing U.S. Army Corps of Engineers (Corps) Old River Control Structure, on lands under the control of the Corps, and would discharge into the existing Old River Channel. The project would be

located in Concordia Parish, Louisiana. Correspondence with the Applicant should be directed to: Sidney A. Murray, Jr., Mayor, Town of Vidalia, Vidalia, Louisiana 71373.

**Project Description**—The Old River Project, an entirely new facility, would consist of: (1) a 350-foot wide, 15-foot deep, 2,400-foot long intake canal; (2) 250-foot long, 600-foot wide powerhouse containing 8 bulb-type turbine-generator units with a total rated capacity of 88 MW; (3) a 600-foot wide, 2,200-foot long, 15-foot deep tailrace canal; (4) 13.8/115-kV step-up transformers located in an outdoor switchyard adjacent to the north side of the powerhouse; (5) a 115-kV, 40-mile long transmission line to be overbuilt on existing local distribution transmission line towers owned by Concordia Electric Cooperative, Inc.; and (6) appurtenant facilities. The project will not change the way in which flows are regulated into the Old River Channel as mandated by the Flood Control Act of 1954 (Pub. L. 83-780). The project would generate, on the average, 575,290,000 kWh annually saving the equivalent of 944,600 barrels of oil or 266,360 tons of coal.

Applicant proposes to construct a parking area and tourist overlook of the powerhouse and canals. Fishing access to the canals will be maintained. Louisiana Highway No. 15 will be relocated so as to pass over the new powerhouse upon completion of construction.

The application was filed during the term of the preliminary permit issued to the Applicant on February 28, 1979.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 27, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Comments, Protests, or Petitions to Intervene**—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest

may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-14297 Filed 5-12-81; 8:45 am]  
BILLING CODE 6450-85-M

**[Project No. 4148-000]**

**Van Buren Township; Application for Exemption of Small Hydroelectric Project of 5 mW or Less**

May 8, 1981.

Take notice that on February 9, 1981, Van Buren Township (Applicant) filed an application under Section 408(b) of the Energy Security Act of 1980<sup>1</sup> for exemption of a proposed hydroelectric project of less than 5 MW from all or part of Part I of the Federal Power Act (Act) pursuant to 18 CFR Part 4 Subpart K (1980). The proposed French Landing Dam Project, FERC No. 4148, would be located on the Huron River in Wayne County, Michigan. Correspondence with the Applicant should be directed to: Mr. Donald W. Lystra, Ayres, Lewis, Norris, and May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104.

**Project Description**—The French Landing Project would consist of: (1) an existing reservoir with a storage capacity of 17,780 acre-feet at normal power pool elevation of 651.5 feet m.s.l., and a surface area of 1,270 acres; (2) an existing concrete dam approximately 38 feet high and 181 feet long attached to the west embankment which is approximately 388 feet long; (3) an existing powerhouse approximately 50 feet high and 68 feet long, which consists of a concrete structure and a brick superstructure. The powerhouse would contain two proposed generating units, each rated at 750 kW, for a total installed capacity of 1,500 kW; and (4)

<sup>1</sup>Pub. L. 96-294, 94 Stat. 611 Section 408 of ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

appurtenant facilities. The estimated average annual energy output of the proposed project would be 7,400,000 kWh.

**Purpose of Project**—Project energy would be sold to Detroit Edison Company.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than October 20, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

**Agency Comments**—The U.S. Fish and Wildlife Service and the Michigan Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. (A copy of the application may be obtained directly from the Applicant.) No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for

protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

**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 exemption of small hydroelectric project for Project No. 4148. 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. 81-14208 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

#### Office of Hearings and Appeals

##### Issuance of Proposed Decisions and Orders; Week of April 20 Through April 24, 1981

During the week of April 20 through April 24, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy

with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

May 7, 1981.

George B. Breznay,  
Director, Office of Hearings and Appeals.  
Atlantic Richfield Co., Dallas, Texas, BEE-1259; Crude Oil

Atlantic Richfield Company (ARCO) filed an Application for Exception from the provisions of 10 CFR 212.59. The exception request, if granted, would permit ARCO to classify a certain property as a heavy crude oil property retroactively to December 21, 1979, and, therefore, to receive market prices for the crude oil produced and sold from that property from December 21, 1979 to January 27, 1981. On April 20, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Beacon Oil Co., Hanford, California, BEE-1647; Crude Oil

Beacon Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Beacon Oil Company of its obligation to purchase entitlements to account for its crude oil receipts and runs a stills for January 1981.

Cedar Springs Marina, Inc., Vernal, Vermont, BEE-1419; Motor Gasoline

Cedar Springs Marina, Inc., Buckboard Marina, Inc., and Lucerne Valley Marina, Inc., jointly filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit the Applicants to charge prices for motor gasoline in excess of maximum prices permitted under the provisions of § 212.93. On April 23, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Oklahoma Refining Co., Oklahoma City, Oklahoma, BEE-0920; Crude Oil

Oklahoma Refining Company filed an Application for Exception from the provisions of the Entitlements Program. The exception request, if granted, would require the DOE to issue Oklahoma Refining Company additional entitlements. On April 22, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

#### Cases Filed; Week of April 17 Through April 24, 1981

During the week of April 17 through April 24, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

May 7, 1981.

George B. Breznay,  
Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

Week of April 17, 1981 through April 24, 1981  
April 17, 1981

Caulkins Oil Company, Santa Fe, New Mexico, BRH-1405, Request for Evidentiary Hearing.

If granted: An Evidentiary Hearing would be convened in connection with the Statement of Objection submitted by Caulkins Oil Company in response to the Proposed Remedial Order (Case No. BRO-1405) issued to the firm.

April 20, 1981

Southland Oil Company, Jackson, Mississippi, BYX-0199, Supplemental Order.

If granted: The DOE would review the entitlements exception relief granted to Southland Oil Company during January 1981, to determine whether the level of relief accorded the firm was appropriate.

April 22, 1981

City of Clinton, Clinton, Iowa, BEE-1658, Allocation Exception.

If granted: The City of Clinton would receive an exception from the provisions of 10 CFR 211.67 modifying its entitlements sales obligations.

April 22, 1981

Ernest E. Allerkamp, Denver, Colorado, BRD-0115, Motion for Discovery.

If granted: Discovery would be granted to Ernest Allerkamp in connection with the Statement of Objections submitted in response to The Proposed Remedial Order (Case No. BRO-0020) issued to firm by the Office of Enforcement.

April 22, 1981

Ernest E. Allerkamp, Denver, Colorado, BRS-0151, Request for Stay.

If granted: Ernest E. Allerkamp would receive a stay of the proceedings involved in the September 21, 1979, Proposed Remedial Order issued to the firm by the Economic Regulatory Administration.

April 22, 1981

The Somerset Refinery, Inc., Washington, D.C., BED-1500, Motion for Discovery.

If granted: Discovery would be granted to the Somerset Refinery Inc. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1500), issued by the Office of Hearings and Appeals.

April 23, 1981

Exxon Co., U.S.A./Miller & Chevalier, Washington, D.C., BEX-0202, Supplemental Order.

If granted: The April 1, 1981 Decision and Order (Case No. BFA-0609 and 0614), issued to Exxon Co., U.S.A. and Miller & Chevalier would be modified.

April 23, 1981

Winston Refining Company, Washington, D.C., BED-1284, Motion for Discovery.

If granted: Discovery would be granted to Winston Refining Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1284), issued to the firm by the Office of Hearings and Appeals.

#### Notices of Objection Received

*Week of April 17, 1981 to April 24, 1981*

April 20, 1981

Texaco, Inc., Los Angeles, California, DEE-1777

April 22, 1981

Continental Gas Transmission Company, Denver, Colorado, BEE-1578

[FR Doc. 81-14431 Filed 5-12-81 8:45 am]

BILLING CODE 6450-01-M

#### Cases Filed; Week of April 24 Through May 1, 1981

During the week of April 24 through May 1, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: May 7, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

#### Submission of Cases Received by the Office of Hearings and Appeals

[Week of April 24 through May 1, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 24, 1981	Office of Special Counsel for Compliance, Washington, D.C.	BRZ-0096	Request for Interlocutory Order. If granted: Certain factual findings in the Proposed Remedial Order issued to Texaco, Inc. (Case No. DRO-0199) would be deemed established.
Apr. 24, 1981	Industrial Fuel and Asphalt, Washington, D.C.	BEG-0054	Request for Special Redress. If granted: Entitlements Notice would be adjusted with respect to Industrial Fuel and Asphalt's entitlements purchase obligations.
Apr. 27, 1981	Cray Research, Inc., Washington, D.C.	BFA-0652	Appeal of an Information Request Denial. If granted: The April 16, 1981 Information Request Denial issued by The Office of Nuclear Reactors would be rescinded, and Cray Research, Inc., would receive access to certain DOE information.
Apr. 27, 1981	Herbert C. Bridges, Daltonsville, GA	BEE-1659	Exception from reporting requirements. If granted: Herbert C. Bridges would not be required to file Form EIA-9A, ("No. 2 Distillate Price Monitoring Report").
Apr. 27, 1981	Office of Enforcement/Ozone Gas Processing Plant, Washington, D.C.	BEF-0046	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V, in connection with the November 26, 1979 Consent Order with the Ozone Gas Processing Plant.
Apr. 28, 1981	First Valley Petroleum Company, Washington, D.C.	BFA-0663	Appeal of an Information Request Denial. If granted: The March 26, 1981 Information Request Denial issued by Rocky Mountain District, Office of Enforcement would be rescinded and First Valley Petroleum Company would receive access to certain DOE materials.
Apr. 28, 1981	Husky Oil Company of Delaware, Washington, D.C.	BEX-0203	Request for Supplemental Order. If granted: The January, 1981 Entitlements Notice would be stayed with respect to Husky Oil Company of Delaware's entitlements purchase obligations.
Apr. 28, 1981	Texaco, Inc., Harrison, New York	BET-0018	Request for Temporary Stay. If granted: Texaco, Inc., would receive a temporary stay of the Decision and Order BED-0110 issued to Asamer Oil (U.S.) Inc. on April 27, 1981.
Apr. 29, 1981	Boston Technologies, Inc., Cambridge, MA	BFA-0664	Appeal of an Information Request Denial. If granted: The April 8, 1981 Information Request Denial issued by the Deputy Regional Representative, Region I would be rescinded, and Boston Technologies, Inc., would receive access to certain DOE materials.
Apr. 29, 1981	Chevron U.S.A., Inc., Washington, D.C.	BET-0020	Request for Temporary Stay. If granted: Chevron U.S.A., Inc., would receive a temporary stay of the Decision and Order (Case No. BED-0110) issued to Asamer Oil (U.S.) Inc., on April 27, 1981.
Apr. 29, 1981	Elm City Filling Stations, Inc./Office of Enforcement, New Haven, Conn.	BRZ-0097	Request for Interlocutory Order. If granted: The Office of Enforcement would be permitted to modify the Proposed Remedial Order (Case No. DRO-0172) issued to Elm City Filling Stations, Inc.

## Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of April 24 through May 1, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 30, 1981	Bassman, Mitchell & Levy (Foster), Washington, D.C.	BFA-0666	Appeal of an Information Request Denial. If granted: The March 18, 1981 Information Request Denial issued by the District Manager of Region IV would be rescinded and Bassman, Mitchell & Levy (Foster) would receive access to certain DOE information.
Apr. 30, 1981	Exxon Company, U.S.A., Washington, D.C.	BER-0123	Request for Modification. If granted: The April 1, 1981, Decision and Order (Case No. BFA-0609) issued to Exxon Company, U.S.A. would be modified.
Apr. 30, 1981	Interstate Nuclear Services, Pleasanton, CA	BFA-0665	Appeal of Information Request Denial. If granted: The March 19, 1981 Information Request Denial issued by the Office of the Inspector General would be rescinded, and Interstate Nuclear Services would receive access to certain DOE information.
Apr. 30, 1981	Oil Transport Company, Inc., Washington, D.C.	BEE-1660	Price Exception. If granted: Oil Transport Company, Inc. would receive an exception to the provisions of 10 CFR Part 212, which would allow the firm to pass through its non-product costs.

## Notices of Objection Received

[Week of April 24, 1981 to May 1, 1981]

Date	Name and location of applicant	Case No.
Apr. 27, 1981	Citro Petroleum Products, Inc., Washington, D.C.	DPI-0038
Apr. 28, 1981	Atlantic Richfield Co., Washington, D.C.	BEE-1233
Apr. 29, 1981	Oklahoma Refining Co., Washington, D.C.	BEE-0926

## Dismissed Cases Reopened

[Week of April 29, 1981 to May 1, 1981]

Date	Case Name	Case No.	Location City/State
Apr. 29, 1981	Downtown Standard	DEE-6415	Louisville, Mississippi

[FR Doc. 81-14432 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[A-3-FRL-1826-1]

## Adolph Coors Co.; Approval of PSD Permit

Notice is hereby given that on March 19, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Adolph Coors Company for approval to construct a ten-million-barrel per year brewery located near Elkton, Rockingham County, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the construction of the brewery, the operation of which is subject to certain conditions, including:

1. Restriction of the boiler operations to 442 MMBtu total heat input per hour.
2. Total emissions from the three (3) coal-fired boilers shall not exceed the following limitations:

	Pounds per million Btu	Pound per hour
Particulate Matter	.05	22.1
Sulfur Dioxide	.24	106.0
Oxides of Nitrogen	.60	265.0
Carbon Monoxide	.04	17.8
Hydrocarbons	.02 lb	8.9

Visible emissions shall not exceed 5% opacity except as noted in item No. 6.

3. Particulate matter and sulfur dioxide emissions from the boilers will be controlled by the installation of a baghouse and flue-gas desulfurization (FGD) system for each boiler. The type of FGD system must be determined and final design plans submitted to EPA at least sixty (60) days prior to start of construction of the FGD system.

4. Particulate matter emissions from the various low level sources must be controlled by baghouses, cyclones, or wet suppression systems.

5. Hydrocarbon emissions from the can plant must be incinerated.

6. Excess opacity emissions are defined as any six-minute period during which the average opacity of emissions exceeds 5% opacity. During the bag-cleaning cycle, excess emissions are defined as any period during which the opacity of emissions exceeds 8% opacity. The bag-cleaning cycle shall not exceed 25% of the operating time of the boilers.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the

following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14345 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

## Ashland Chemical Co.; Approval of PSD Permit

Notice is hereby given that on October 7, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Ashland Chemical Company for approval to construct and operate a phthalic anhydride plant located at Neal, West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the phthalic anhydride plant subject to certain conditions, including:

1. Emissions shall not exceed the limitations specified below:

Emission point	Maximum allowable emission rate, Lbs./Hr.				
	Part	SO <sub>2</sub>	CO	HC	NO <sub>x</sub>
1-78 O-Xylene Tank (W)		2.35			
2-78 O-Xylene Tank (E)		2.35			
3-78 O-Xylene Day Tank		40			
4-78 Crude PAA Tank & Cond'r		.00015			
5-78 Catalytic Incinerator		86.7	49.3		
6-78 Dist'n PAA Condensers		(.001)			
7-78 PAA Day Tank & Cond'r		0			
8-78 PAA Tank & Cond'r (W)		0			
9-78 PAA Tank & Cond'r (E)		0			
10-78 Liquid Waste Incinerator	1.99	5.30	0.35	0.35	3.46
11-78 No. 6 F.O. Tank		35			
12-78 Dowtherm Tank		.02			
13-78 Dowtherm Heater	1.6	10.74	.27	.27	2.70

2. Within 60 days after achieving the maximum production rate, but in no event later than 180 days after startup, stack emission testing of the following sources shall be conducted in accordance with EPA approved methods as described in 40 CFR Part 60, Appendix A.

Source	Pollutant(s)	Test method
5-78 Carbon Monoxide	10.	
10-78 Particulates and Sulfur Dioxide	5 and 6.	
13-78 Particulates and Sulfur Dioxide	5 and 6.	

The stack emission tests shall be conducted with the sources operating at maximum design capacity. Testing for carbon monoxide shall be conducted in accordance with 40 CFR 60.106(b). Testing for particulate matter and sulfur dioxide shall be conducted in accordance with 40 CFR 60.46(b), (c), and (d).

3. The Ashland Chemical Company shall continuously monitor the operating temperature of the catalytic incinerator (5-78) to ensure its proper operation and design efficiency. The operating

temperature shall be determined at the time of compliance testing.

4. The auxiliary fuel oil used in the liquid waste incinerator (10-78) shall be limited to a maximum sulfur content of 1% by weight.

5. The fuel oil used in the Dowtherm Heater (13-78) shall be limited to a maximum sulfur content of 1% by weight.

6. The weight percent sulfur of the fuel oil for sources 10-78 and 13-78 shall be determined from grab samples taken from each fuel oil shipment. Records of these analyses shall be retained for a period of two years.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,  
Regional Administrator, EPA—Region III.

[FR Doc. 81-14346 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**[A-3-FRL-1825-4]**

**Chesapeake Corporation of Virginia; Approval of PSD Permit**

Notice is hereby given that on October 7, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Chesapeake Corporation of Virginia for approval to construct and operate a power boiler No. 10 (wood and oil fired) at the existing kraft pulp mill located at West Point, King Williams County, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the boiler subject to certain conditions, including:

1. Total emissions from Power Boiler No. 10 (two stacks) shall not exceed the limitations specified below:

	Pounds per million Btu
Particulate Matter	0.10
Sulfur Dioxide	0.80
Oxides of Nitrogen	0.30
Carbon Monoxide	0.23
Hydrocarbons	0.23

2. The operator shall comply with all the requirements of 40 CFR Part 60. Subpart D—Standards of Performance for Fossil-Fuel Fired Steam Generators.

3. At the time of compliance testing, the operator will establish a minimum excess oxygen level in the flue gas at which all emission limitations under No. 1 are met. The operator shall install, calibrate, maintain, and operate a continuous monitoring system for oxygen and will not operate at an oxygen level below that established in the compliance testing.

4. The permittee may burn No. 6 fuel oil containing not more than 2.4% sulfur by weight during any bona fide period of startup, shutdown or malfunction, as defined in 40 CFR 60.2 (o), (p) and (q). During these periods, the permittee may burn any combination of wood waste and fuel oil. Predictable events such as a lack of sufficient quantities of wood waste cannot be considered as malfunctions. The permittee shall maintain and operate boiler No. 10 in a manner consistent with good air pollution control practices for minimizing emissions at all times (including periods of startup, shutdown, and malfunction). The permittee shall minimize, to the extent practicable, the frequency and durations of all startups, shutdowns, and malfunctions.

5. A sample shall be taken from each shipment of fuel oil received by the permittee for use in boiler No. 10 and shall be analyzed for sulfur content by the permittee or his designee. The permittee shall maintain records of the analysis. In addition, the permittee shall record the time, duration, and amount of fuel oil used for all periods of startup, shutdown, and malfunction.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,  
Regional Administrator, EPA—Region III.

[FR Doc. 81-14347 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**PSD Nonapplicability Determinations—Region III**

Notice is hereby given that between the period of October 3, 1980 to February 18, 1981, the U.S. Environmental Protection Agency, Region III, made PSD nonapplicability determinations for the following sources. These determinations were reviewed under the PSD regulations as amended, August 7, 1980:

Applicant	Source	Location	Date of final action
Columbia Gas Transmission Corp.	Additional Horsepower, 3 Compressor Stations.	Bedford, Clinton and Northampton Counties, PA.	10/3/80
Caterpillar Tractor Co.	Boiler No. 4	York, PA	10/16/80
Virginia Fibre Corp.	Papermill Modification.	Riverville, VA	10/17/80
Island Creek Coal Co.	Thermal Dryer	Skeggs, VA	10/22/80
Massey Coal Terminal Corp.	Coal Export Terminal	Newport News, VA	10/30/80
Stanley Furniture Co.	Boiler No. 4	Waynesboro, VA	12/31/80
North American Refractories Co.	Research Center	Curwensville, PA	1/26/81
Rohm & Haas Co.	Boiler Conversions (3)	Philadelphia, PA	2/18/81

These nonapplicability determinations do not relieve the reviewed sources of the responsibility for complying with all local, State, and Federal regulations which are part of the State Implementation Plan. A determination will be void if the information submitted and used as a basis for the PSD nonapplicability decision proves to be incorrect or is modified.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 13, 1981.

Copies of these determinations are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14348 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**[A-3-FRL-1825-7]**

**Getty Methanol Corp.; Approval of PSD Permit**

Notice is hereby given that on October 10, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Getty Methanol Corporation for approval to construct and operate a 980 ton/day ( $100 \times 10^6$  gal/yr) methanol production plant located at the existing Getty Refinery in Delaware City, New Castle County, Delaware.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the methanol production plant subject to certain conditions, including:

1. Emissions shall not exceed the limitations specified below:

Source	Nitrogen (pounds)	Oxides (Btu)
Tabular Reformer	0.13	10 <sup>6</sup>

2. A stack emission test for *nitrogen oxides* shall be conducted at the tabular reformer stack in accordance with approved EPA methods as described in 40 CFR Part 60, Section 60.46. The stack emission test shall be conducted with the tabular reformer operating at maximum capacity. The test shall be conducted while combusting fuels representative of that to be used during normal operation.

3. The company shall install, operate, and maintain, within the manufacturers' specifications, Coen Low NO<sub>x</sub> burners on the tubular reformer.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14349 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**[A-3-FRL-1825-8]**

**Philadelphia Electric Co.; Approval of PSD Permit**

Notice is hereby given that on November 18, 1980, the Environmental

Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Philadelphia Electric Company to construct and operate a magnesium oxide regeneration facility. This facility is a modification to Allied Chemical Corporation's Delaware Valley Works—South Plant, in Claymont, Delaware.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the magnesium oxide regeneration facility subject to certain conditions, including:

1. The process air heaters, calciner startup burners, and the calciner burners shall not be vented to the atmosphere unless the sulfur content of the fuel used to fire the vented unit(s) does not exceed 0.5 percent by weight.

2. An oil sample shall be taken from each shipment of fuel oil received by the permittee for use in the units noted in 1 above and shall be analyzed for sulfur content by the permittee or his designee. The analysis shall be done in accordance with ASTM standards contained in Part 23 and/or Part 24.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14350 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**[A-3-FRL-1825-6]**

**PPG Industries, Inc.; Approval of PSD Permit**

Notice is hereby given that on October 8, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to PPG Industries, Inc. for approval to modify and operate boiler No. 3 at the Natrium facility in West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the boiler subject to certain conditions, including:

1. Sulfur dioxide emissions shall not exceed the limitations specified below:

Facility	Maximum design heat input (million Btu per hour)	SO <sub>2</sub> (pounds per hr)
Boiler No. 1	316	Not operating
Boiler No. 2	316	Not operating
Boiler No. 3	243	750
Boiler No. 4	496	1,538
Boiler No. 5	878	2,722

Boiler Nos. 1 and 2 are under federally approved compliance schedules requiring shutdown by July 1, 1975 (40 CFR 52.2524(c)). Boiler Nos. 3 and 4 exhaust to stack No. 1. Boiler No. 5 exhausts to stack No. 2. Total SO<sub>2</sub> emissions from boilers 1, 2, 3, 4, and 5 shall not exceed 4259 pounds per hour. Total SO<sub>2</sub> emissions from boiler Nos. 3 and 4 shall not exceed 2288 pounds per hour.

2. The excess air from boiler No. 3 shall be limited so as to minimize the emissions of oxides of nitrogen by operation of this boiler such that the amount of excess oxygen shall not exceed 4.5%. This limitation shall apply whenever boiler No. 3 is operating at greater than 60% of its design load capacity. PPG Industries shall operate and maintain an in-stack oxygen monitor to record the excess oxygen level of boiler No. 3 in accordance with 40 CFR Part 60, Appendix B. Records of these operating parameters shall be retained for a period of six months. PPG Industries shall report all occurrences and their causes when the 4.5% limitation has been exceeded for a period of 8 hours.

3. Within 60 days after achieving the maximum production rate, but in no event later than 180 days after startup, stack emission tests shall be conducted for the following: Sulfur dioxide and nitrogen oxides (NO<sub>x</sub>) at a point between the discharge from the boiler No. 3 baghouse and boiler No. 3 induced draft fan; SO<sub>2</sub> from boiler No. 4 at a point located between the electrostatic precipitator and the air preheater. The sum of the two tests on No. 3 and 4 boilers would constitute the test on stack No. 1; SO<sub>2</sub> from stack No. 2 at the discharge end of the precipitator in a duct between the precipitator and the air preheater. Said tests for boilers 3, 4, and 5 shall be conducted on separate and successive days. The boiler emission tests shall be conducted with the respective boilers operating at maximum capacity. The test shall be conducted while combusting coal representative of that to be used during normal operation. Stack emission tests shall be conducted in accordance with

approved EPA methods as described in 40 CFR Part 60, § 60.46.

4. *Fuel Sampling and Analysis.* Grab samples of coal shall be taken from each barge of coal received at the plant. These samples shall be collected in accordance with ASTM sampling procedures and analyzed in accordance with the requirements of ASTM-D3177 (sulfur content).

5. Prior to operating the boiler, PPG Industries shall submit to EPA for approval a procedure for collecting the samples. The procedure shall list all pertinent information regarding sample size, where sample is taken, etc.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106.

Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,  
Regional Administrator, EPA—Region III.

[FR Doc. 81-14351 Filed 5-12-81; 8:45 am]  
BILLING CODE 6560-28-M

[A-3-FRL-1826-2]

#### Swann Oil Co.; Approval of PSD Permit

Notice is hereby given that on March 30, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Swann Oil Company for approval to construct a 26,000 BPSD refinery in Chesapeake, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the construction of the refinery, the operation of which is subject to certain conditions, including:

#### 1. Pollutant Emission Limitations (lbs./hr.)

Point source designation	Source name	Particulate matter	Sulfur dioxide	Nitrogen dioxide	Carbon monoxide
II-a	Crude unit atmospheric heater	9	.16	38	3
II-b	Crude unit vacuum heater	2	.13	7	1
II-c	Vibreaker heater	4	.18	17	1
II-d	Naphtha reformer heater	1	.3	11	1
II-e	Naphtha hydrodesulfurizer heater	3	.1	4	.3
II-f	Distillate hydrodesulfurizer heater	3	.1	4	.3
II-g	Steam boiler	5	.2	7	.6
IV-i	Emergency flare system		.01	.2	
IV-m	Tanker powerplant	14	211	64	1
V-a	Claus sulfur recovery unit		14		

<sup>1</sup> Sulfur dioxide emissions from these sources shall not exceed the specified emission rates on a 24-hour rolling average basis.

2. Point sources designated II-a, II-b, and II-c shall burn fuel containing no more than 0.3% sulfur by weight.

3. Point sources designated II-d thru II-g shall burn sweetened refinery gas containing no more than .0063% sulfur by weight.

4. All crude carriers serving the refinery, when docked, shall burn fuel oil with a sulfur content not to exceed 2.5% by weight.

5. On or before the commencement of operation of the refinery, the permittee shall install continuous monitoring and recording instruments on the stacks serving the units specified in condition 1 above for measurement of sulfur dioxide, opacity and velocity. The permittee shall operate these continuous monitors during all periods of operation of the refinery. The installation and operation of all such continuous monitoring instruments shall conform to

EPA requirements as specified in 40 CFR Part 60, Appendix B, or where not specified, as approved in advance in writing by EPA.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media & Energy Branch (3AH10), Environmental Protection Agency—Region III, 6th and Walnut Streets, Philadelphia, PA 19106. Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14352 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

[RH-FRL-1825-3]

**Proposed Federal Radiation Protection Guidance for Occupational Exposures; Extension of Comment Period****AGENCY:** Environmental Protection Agency.**ACTION:** Extension of Comment Period.

**SUMMARY:** In the Federal Register of January 23, 1981 [46 FR 7836], EPA published proposed new guidance for Federal agencies on the protection of workers exposed to ionizing radiation. That notice stated that all written comments must be received by EPA by April 24, 1981, in order to be used, and that the period for submitting post-hearing comments would be set by the presiding officer. We announce here the termination date of the post-hearing comment period and an extension of the written comment period.

**DATE:** Both the written comment period and the post-hearing 60-day comment period will end on July 6, 1981.

**ADDRESS:** Comments on the Proposed Federal Radiation Protection Guidance for Occupational Exposures should be submitted to Docket No. A-79-46, which is located at the Environmental

Protection Agency, Central Docket Section (A-130), West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Luis F. Garcia, U.S. Environmental Protection Agency (ANR-460), Washington, D.C. 20460; telephone number (703) 557-8224.

Dated: May 6, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-14339 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-28-M

**FEDERAL COMMUNICATIONS COMMISSION**

[CC Docket No. 81-184; File No. ENF-81-3]

**Petition of Heritage Church and Missionary Fellowship, Inc.; Emergency Relief With Respect to PBX Interconnection to Telephone Service of Southern Bell Telephone & Telegraph Company; Order Extending Time for Filing Reply Comments****AGENCY:** Federal Communications Commission.**ACTION:** Memorandum Opinion and Order; extension of reply comment period.

**SUMMARY:** Time for filing reply comments in CC Docket No. 81-184

extended from May 12, 1981, to May 26, 1981. Additional time had been requested by the Heritage Village Church and Missionary Fellowship, Inc. which denied allegations in comments filed on April 27, 1981 that the factual considerations are not in dispute. Because it wants an accurate, up to date factual record on which to make its decision, the Commission extended the reply filing date by two weeks.

**DATE:** Replies now due May 26, 1981.

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

**FOR FURTHER INFORMATION CONTACT:** Adrien Auger, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-4887).

**SUPPLEMENTARY INFORMATION:**

In the matter of Petition of Heritage Church and Missionary Fellowship, Inc., CC Docket No. 81-184; for emergency relief with respect to PBX interconnection to telephone service of Southern Bell Telephone and Telegraph Company, File No. ENF-81-3; see also 46 FR 19319, March 30, 1981.

Adopted: May 5, 1981.

Released: May 5, 1981.

1. On April 30, 1981, the Heritage Village Church and Missionary Fellowship, Inc. (Heritage) filed a motion for an extension of time to May 26, 1981 within which to file a reply to the comments filed in the above-captioned proceeding on April 27, 1981 in response to the Commission's *Memorandum Opinion and Order*, FCC 81-117, released March 28, 1981. 85 FCC 2d —, 46 FR 19319 (March 30, 1981).

2. In support of its request, Heritage noted that the comments filed by USITA and Fort Mill Telephone Company make substantial reference to the hearing record in the South Carolina Public Service Commission proceeding and assert that the factual considerations are not in dispute. Denying that the facts are not in dispute, Heritage anticipates that it will have to refer to the transcript to refute or substantiate various factual misrepresentations or issues. It states that additional time is needed, among other reasons, to locate the transcript volumes which have been dispersed to one or more possible storage areas or within the law offices of its local Charlotte, North Carolina law firm, and have them shipped to its FCC counsel. Heritage further states that its FCC counsel has had a longstanding previous commitment on the West Coast for the May 6 through May 9, 1981 period during which he will be unable to give adequate time to the preparation of a

responsive reply for the date currently contemplated by the Commission's March 26, 1981 *Memorandum Opinion and Order*.

3. Because of the apparent unprecedented issue to be determined in this proceeding, and because of the Commission's desire to have a definitive, accurate, and up to date factual record upon which to make its decision in this important proceeding, an additional two weeks for filing reply comments is considered to be in the public interest. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules and regulations, that the date for filing reply comments in this proceeding is extended from May 12, 1981, to May 26, 1981.

Theodore D. Kramer,

*Acting Chief, Enforcement Division, Common Carrier Bureau.*

[FR Doc. 81-14281 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

**Radio Technical Commission for Marine Services; Meeting****AGENCY:** Federal Communications Commission.

**TIME AND PLACE:** May 12, 1981 at 9:30 a.m. in the 1st Floor Auditorium, Comsat Building, 940 L'Enfant Plaza, SW, Washington, D.C.

**SUMMARY:** Special Committee No. 76, "Maritime Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference" will meet to prepare comments on recent FCC actions related to the 1982 Mobile Services WARC. The public may attend and participate.

This meeting has been scheduled with less than the 15-day notice required by 41 CFR 101-6.10, "Federal Advisory Committee Management," due to the urgent need to submit responses to the FCC within the time allotted. The FCC Advisory Committee Management Officer has reviewed and approved this action.

**FOR FURTHER INFORMATION CONTACT:**

Robert Mickley, Executive Secretary, RTCM, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6490.

Federal Communications Commission.

William J. Tricarico,

*Secretary.*

[FR Doc. 81-14283 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

## Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 783, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 26, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement Nos. T-3576-2 and T-3576-A. Filing Party: C. Michael Winters, Esquire, 317 Magazine Street, New Orleans, Louisiana 70130.

Summary: Agreement No. T-3576-2 modifies the basic agreement between the Board of Commissioners of the Port of New Orleans (Board) and the Puerto Rico Maritime Shipping Authority (PRMSA), which provides for the Board's 25-year renewable term lease to PRMSA of France Road Berth No. 4, Container Terminal at the Port of New Orleans. The purpose of the modification is to grant PRMSA the authority to sublease the joint usage of the Berth No. 4 Wharf to New Orleans Stevedoring Company (NOSC), on the condition that NOSC shall use the premises exclusively for handling vessels owned, operated or chartered by The Bank Line, Ltd. PRMSA shall pay to Board additional rent according to the formula as set forth in the agreement.

Agreement No. T-3576-A modifies the basic agreement between the Board of Commissioners of the Port of New Orleans (Board) and the Puerto Rico Maritime Shipping Authority (PRMSA), which provides for the Board's 25-year renewal term lease to PRMSA. The modification is a sublease by

PRMSA to New Orleans Stevedoring Company (NOSC) of the usage of Berth No. 4 Wharf, exclusively for the purpose of handling vessels owned, operated or chartered by The Bank Line, Ltd. NOSC will compensate PRMSA for the use of the premises according to a formula set forth in the agreement. The term of the sublease is month-to-month, with provision for cancellation by either party upon 30 days written notice.

Agreement Nos. T-3969, T-3969-1 and T-3969-2.

Filing Party: James A. Rossi, Esquire, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. T-3969, between the South Louisiana Port Commission (Port) and Hooker Chemical Properties Corp. (Hooker), provides for the lease by Port to Hooker of certain dock, wharf and related storage facilities for the loading, unloading and storage of ammonia and other compatible products near Taft, Louisiana. Hooker agrees to acquire, construct and install the facilities, which Port then agrees to purchase by means of the sale of revenue bonds. Hooker will lease back the facilities from Port, for a term not to exceed thirty years. As compensation, Hooker will pay Port a semi-annual rental sufficient to pay the total amount of principal, interest and redemption premium required at that time by the bond obligation. Fifty percent of dockage fees received by Hooker, subject to an annual minimum of \$50,000, will be credited against rental payments.

Agreement No. T-3969-1 amends the basic agreement to provide that the facilities will not service common carrier vessels in foreign or interstate commerce. Agreement No. T-3969-2 cancels Agreement No. T-3969-1 and provides that effective upon final approval of the agreement by the Federal Maritime Commission, the facilities will service common carrier vessels, as set forth in the basic agreement.

Agreement Nos. T-3972.

Filing Party: Joseph H. Reynolds, Esquire, Dixon, Hargrave, Devans & Doyle, Lincoln First Tower, P.O. Box 1051, Rochester, New York 14603.

Summary: Agreement No. T-3972, between the Port of Oswego Authority (Port) and Lakespan Marine, Inc. (LMI), provides for the ten-year lease (with renewal options) of certain premises located on the east side of the Oswego River, Port of Oswego, New York. The premises will consist of approximately 70,000 sq. ft. of open area, 3,000 sq. ft. of maintenance and storage space, 180 sq. ft. of office space and space for one trailer. LMI shall have the option to expand the open area by an additional 70,000 sq. ft. within the first 6 months of the lease term. The premises will be used for the loading, unloading, docking, storage and other operations incidental thereto of LMI's vessels. As compensation, LMI will pay a monthly rental based on square footage leased, plus applicable dockage and wharfage fees. Such rental payments will accrue only upon the areas under exclusive possession by LMI. The parties further agree to reasonable easements to and from the

demised premises, construction and maintenance improvements, exclusive use of berthing areas and other terms and conditions provided for in the agreement.

By Order of the Federal Maritime Commission.

Dated: May 7, 1981.

Joseph C. Polking,  
Secretary.

[FR Doc. 81-14275 Filed 5-12-81; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

## 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 the proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 5, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (consumer finance and insurance activities; Montana); to expand the

service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Boise, Idaho, engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit-related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire state of Idaho, would be expanded to include the entire state of Montana; except that this application would not expand the service area for the sale of credit-related property and casualty insurance. Credit-related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. Citicorp, New York, New York (consumer finance and insurance activities; South Carolina): to establish a *de novo* office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., at Dutch Plaza, 800 Dutch Square Boulevard, Suite 100, Columbia, South Carolina, and to engage in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the making of loans to individuals and businesses to finance

the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The proposed service area of the office would be comprised of the entire state of South Carolina. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

3. Citicorp, New York, New York (consumer finance and insurance activities; Wyoming): to expand the service area of an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, located in Salt Lake City, Utah. The previously approved activities of that office are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire state of Utah, would be expanded to include the entire state of Wyoming; except that this application would not expand the service area for the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center.

#### Correction

This notice corrects a previous Federal Register notice (FR Doc. 81-13328) at page 24995 of the issue for

Monday, May 4, 1981. The previous notice did not contain all of applicants' proposed activities.

4. The Chase Manhattan Corporation, New York, New York (consumer finance and servicing and insurance activities; Arizona): to make or acquire, for its own account and for the account of others, loans and other extensions of credit, including but not limited to, consumer and business lines of credit and mortgage loans secured by real and personal property; to service loans and other extensions of credit; to act as insurance agent or broker for credit life insurance and credit accident and disability insurance and credit property insurance directly related to such lending and servicing activities. These activities will be conducted from an office in Phoenix, Arizona, serving the State of Arizona. Comments on this notice must be received not later than May 26, 1981.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Maryland): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Maryland corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life and credit-related accident, and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an office in Columbia, Maryland, serving the entire state of Maryland. This application is for the relocation of an office presently located in Arbutus, Maryland.

C. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14353 Filed 5-12-81; 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 received by the appropriate Federal Reserve Bank not later than June 7, 1981.

**A. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (lending activities; London, England): to engage through a *de novo* office of its indirect subsidiary, Citicorp Capital Investors Ltd., in the making of loans to foreign companies with growth potential. The office will be located in London, England.

2. Citicorp, New York, New York (consumer finance, insurance and industrial loan company activities; Washington): to engage through a *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Everett,

Washington, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Washington Industrial Loan Company, to the extent permissible under applicable state insurance laws and regulation; the originating, for its own account or for the account of others, of first mortgage loans secured by residential or commercial properties; the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of the *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Everett, Washington, to include the entire State of Washington. The previously approved activities of that office include all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Washington Financial Center, Inc., and Citicorp Washington Industrial Loan Company.

3. Manufacturers Hanover Corporation, New York, New York (relocation of office; Missouri): to engage, through its subsidiary, Termplan Incorporated of Missouri, in consumer finance, sales finance and home equity lending activities and in the sale of single and joint credit life insurance and credit accident, health and property insurance at 13928 Noland Court, Independence, Missouri, 64055. Manufacturers Hanover Corporation has received the approval of the Federal Reserve to engage in these activities at 304 East 23rd Street, Independence, Missouri, 64050. The application is to engage in the activities at a different location; the application does not involve the commencement of any new

activities at the new location that have not been approved by the Federal Reserve for the old location. The new office will serve customers in Jackson County, Clay County, northern Cass County, western Lafayette County, and southwest Ray County.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (financing activities; California): to engage through its subsidiary, Security Pacific Finance Business Center Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and making other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from offices of Security Pacific Finance Business Center Inc. located in Irvine, San Diego and San Francisco, California, serving the State of California.

**C. Other Federal Reserve Banks:**  
None.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14355 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

**Metropolitan Bancorp, Inc.; Formation of Bank Holding Company**

Metropolitan Bancorp, Inc., Lima, Ohio, 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 Metropolitan Bank of Lima, Ohio, Lima, Ohio. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 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, May 6, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14333 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

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**One Valley Bancorp of West Virginia, Inc.; Formation of Bank Holding Company**

One Valley Bancorp of West Virginia, Inc., Charleston, West Virginia, 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 Kanawha Valley Bank, N.A., Charleston, West Virginia. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 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, May 6, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14336 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

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**Pagosa Springs Holding Company; Formation of Bank Holding Company**

Pagosa Springs Holding Company, Pagosa Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.33 percent of the voting shares of Citizens Bank of Pagosa Springs, Pagosa Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 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, May 6, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14337 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

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**Southwest Bancshares, Inc.; Acquisition of Bank**

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares of Copperfield National Bank, Harris County, Texas (a proposed new bank). 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 June 6, 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, May 6, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14338 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

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**Texas Commerce Bancshares, Inc.; Acquisition of Bank**

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent less directors' qualifying shares of the

voting shares of the successor by merger to Friendswood Bank, Friendswood, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 5, 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, May 5, 1981.

D. Michael Manies,

*Assistant Secretary of the Board.*

[FR Doc. 81-14334 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

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**Flora Financial Corp; Proposed Credit Insurance Activities**

*Corrections*

In FR Doc. 81-13635 appearing on page 25348 in the issue of Wednesday, May 6, 1981, third column, the heading should have appeared as set forth above; and the first line should have read as set forth below:

"Flora Financial Corporation, Flora,"  
BILLING CODE 1505-01-M

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Alcohol, Drug Abuse, and Mental Health Administration**

**Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981:

**The Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism**

June 2; 9:00 a.m.—Open  
Conference Room L, Parklawn Building  
5800 Fishers Lane, Rockville, Maryland 20857

Contact: Mr. David Clough, Room 11-19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2070

**Purpose.** The functions of the Work Group are to evaluate all Federal efforts in the areas of alcohol abuse and alcoholism treatment and rehabilitation, provide for the communication and exchange of information necessary, and seek any reports of recommendations to the Interagency Committee as necessary in order to perform the above functions.

**Agenda.** Tentative agenda items include updated reports from work group members, and a review of other treatment issues.

Substantive program information may be obtained from the contract person listed above. Summary of the meeting and roster of Committee members may be obtained from Mrs. Helen Garrett, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2880.

Dated: May 7, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-14376 Filed 5-12-81; 8:45 am]

BILLING CODE 4110-88-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. D-81-647]

### Area Manager and Deputy Area Manager; Redelegation of Authority

**AGENCY:** Department of Housing and Urban Development, Area Manager and Deputy Area Manager, Seattle.

**ACTION:** Redelegation of authority with respect to surplus real property.

**SUMMARY:** The Area Manager and Deputy Area Manager, Seattle Area Office, each is authorized to exercise the authority of the Secretary of Housing and Urban Development, pursuant to section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b), as amended, with respect to the below described property, together with any improvements and related personal property located thereon.

(a) Blaine Air Force Station Housing and Property, Alderson Road, Whatcom County, GSA Control No. GS-Wash-749B—Parcel Z and D-Wash, 749C—Parcel 3.

(b) Blaine Air Force Station Family Housing Annex, 3400 McAlpine Road, near Bellingham, WA GSA Control No. B-Wash-749D.

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

(Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b).)

Issued at Washington, D.C., May 4, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-14239 Filed 5-12-81; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### School Construction Priorities List—Fiscal Year 1982

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The school construction priority list has been revised for Fiscal Year 1982 as required by Pub. L. 95-561; 92 Stat. 2319, Section 1125(c) which requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the *Federal Register* and submit with the budget request the current list of all school construction priorities."

On Wednesday, May 7, 1980, a notice was published in Vol. 45, No. 90 of the *Federal Register*, to inform all concerned parties that for Fiscal Year 1982 the list of all school construction priorities would be published as one inclusive list. This combines the BIA schools and schools operated under contracts with the Bureau into one list.

This notice for Fiscal Year 1982 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by Congress. These proposed projects are also subject to further review in terms of either replacement or rehabilitation.

This current list of school construction projects applies to Fiscal Year 1982. A revised list is developed and published for each succeeding fiscal year.

Further information regarding this list or the ranking process may be obtained from the Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, N.M. 87103, Telephone: (505) 766-2985.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

### BIA and Contract School Construction Ranking—Fiscal Year 1982

Ranking and school name	State
1 Laguan Middle School	NM.
2 Black Mesa Day School	AZ.
3 Little Eagle Day School	SD.
4 Nenahnezad Boarding School	NM.
5 San Simon Day School	AZ.
6 Alamo	NM.
7 Fort Wingate Elementary School	NM.
8 Taos Day School	NM.
9 Canoncito Day School	NM.
10 Ramah Middle School	NM.
11 Nazlini Boarding School	AZ.
12 Kinishen Boarding School	AZ.
13 Chi-Chi-Tah Boarding School	NM.
14 Paschal Sherman Indian School	WA.
15 Low Mountain Boarding School	AZ.
16 Bullhead Day School	SD.
17 St. Francis Boarding School	SD.
18 Coeur d'Alene Day School	ID.
19 Pinon Boarding School	AZ.
20 Albuquerque Indian School	NM.
21 San Juan Day School	NM.
22 Spring Creek Elementary School	SD.
23 Santa Clara Day School	NM.
24 Standing Pine Day School	MS.
25 O'Kreek Elementary School	SD.
26 Marty Indian School	SD.
27 Ojibwa Indian School	ND.
28 Tucker Elementary School	MS.
29 Tuba City Elementary School	AZ.
30 Red Lake Day School	AZ.
31 Ahfachkee Day School	FL.
32 Lake Valley Boarding School	AZ.
33 Huertano Dormitory	NM.
34 Jones Academy	OK.
35 Carter Seminary	OK.
36 Wahpeton Boarding School	ND.
37 Cove Day School	AZ.
38 Rocky Ridge Boarding School	AZ.
39 Kayenta Boarding School	AZ.
40 Rotebus Elementary School	SD.
41 Fort Thompson Community School	SD.
42 Many Farms High School	AZ.

[FR Doc. 81-14359 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-02-M

### Pueblo of Acoma, New Mexico; Proclaiming Certain Lands as Part of Pueblo of Acoma

May 1, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.1.

On May 1, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (34 Stat. 986; 25 U.S.C. 467), the following described land, known locally as the Berryhill Ranch and the Kow-Ina Cultural Research Foundation, located in Valencia County, New Mexico, is hereby added to and made a part of the Pueblo of Acoma.

### New Mexico Principal Meridian

T. 7 N., R. 9 W.

Sec. 6, Lot 1, S 1/2 SE 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4, and SW 1/4;

Sec. 7, N 1/2 N 1/2;

Sec. 8, S 1/2, S 1/2 NE 1/4, S 1/2 NW 1/4, and NW 1/4 NW 1/4;

T. 8 N., R. 9 W..

Sec. 7, S $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
T. 7 N., R. 10 W.;  
Sec. 12, N $\frac{1}{2}$ ;  
T. 8 N., R. 10 W.;  
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 13, W $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 24, E $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 25, inclusive;  
Sec. 26, SE $\frac{1}{4}$ , E $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  and  
E $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Except 8 acres conveyed in Book D 32,  
Pages 152 and 154, Records of Valencia  
County, New Mexico.  
Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Except and Reserving unto Arthur Bibo, as his sole and separate estate, a certain tract of land comprising 36.968 acres, which is more particularly described in Exception No. 4, which is attached to the Warranty Deed executed on August 23, 1976.

Subject to easements and rights-of-way of record and as they exist on the premises and restrictions and reservations of oil, gas and mineral rights of record.

James F. Canan,  
Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-14380 Filed 5-12-81; 8:45 am]  
BILLING CODE 4310-02-M

#### Bureau of Land Management

[M 45059-A(SD)]

#### Conveyance of Public Lands; Union County, South Dakota

May 4, 1981

Pursuant to paragraph 2711.5-3 of Title 43 of the Code of Federal Regulations, notice is hereby given that Anna M. Wood and Willard Wood have, by noncompetitive sale under Sec. 203 of the Act of October 21, 1976; 43 U.S.C. 1713 (1976), purchased public lands in Union County, South Dakota, described as follows:

Fifth Principal Meridian  
T. 90 N., R. 49 W.,  
Sec. 32, Lots 4 and 5.  
Containing 79.91 acres.

These lands, then unsurveyed, were conveyed to Anna M. Wood and Willard Wood by a decision of November 20, 1980, in order to close a mortgage transaction involving Anna M. Wood and Willard Wood and the Farmers Home Administration. The lands have now been surveyed and a patent for these lands was issued on

April 24, 1981. All minerals in these lands were reserved in the United States.  
Roland F. Lee,  
Chief, Branch of Lands and Minerals Operations.  
[FR Doc. 81-14382 Filed 5-12-81; 8:45 am]  
BILLING CODE 4310-84-M

[ORE 016183-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 Public Land Order No. 3889 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

Turner Creek Recreation Site

T. 18 S., R. 9 W.,  
Sec. 14, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Revested Oregon and California Railroad  
Grant Land

Sharps Creek Recreation Site

T. 22 S., R. 1 W.,  
Sec. 15, Lots 3 and 4.

Lake Creek Recreation Site

T. 16 S., R. 7 W.,  
Sec. 19, E $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ .

Clay Creek Recreation Site

T. 19 S., R. 7 W.,  
Sec. 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Haight Creek Recreation Site

T. 19 S., R. 7 W.,  
Sec. 35, Lot 5.

Whittaker Creek Recreation Site

T. 18 S., R. 8 W.,  
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregated 400.12 acres in Lane County, Oregon.

The purpose of the withdrawal is to protect existing recreational 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 19, 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* given 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 19, 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 rejustification 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 prepared 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: May 4, 1981.

Harold A. Berends,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14382 Filed 5-12-81; 8:45 am]  
BILLING CODE 4310-02-M

[U-910-4310-84]

#### Utah; Decisions on State Director's November 14, 1980; Statewide Wilderness Inventory Become Final on Units Not Appealed

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

**SUMMARY:** The State Director's final decisions on the Statewide Wilderness Intensive Inventory in Utah was published in the *Federal Register* on

November 14, 1980. As a result of those decisions 69 protests were received affecting 61 individual inventory units. The decisions on the protests were published in the *Federal Register* on March 5, 1981, which subsequently began a 30 day appeal period on those units which were protested. The decisions on the following inventory units became final as of 4:30 April 6, 1981 (end of 30 day appeal period) as no appeals on the decisions were filed:

*Unit No., Unit name and SD Final decision*

UT-040-080, Fifty Mile Mtn., 146,143 acres identified as WSA  
 UT-040-082, Scorpion, 35,884 acres identified as WSA  
 UT-040-132, Red Mtn., 18,500 acres identified as WSA  
 UT-040-216, White Rock Range, 2,600 acres identified as WSA  
 UT-040-217, Moquith Mountain, 14,830 acres identified as WSA  
 UT-050-061, Swasey Mtn., 49,500 acres identified as WSA  
 UT-050-237, Horseshoe Canyon, 38,800 acres identified as WSA  
 UT-050-257, Notom Bench, unit dropped from further Wilderness review  
 UT-060-023, Sids Mtn., 80,970 acres identified as WSA  
 UT-060-054, Mexican Mtn., 60,360 acres identified as WSA  
 UT-060-115/117, Wrigley Mesa/Jones Canyon, 5,100 acres identified as WSA  
 UT-060-165, Sixshooter Peak, unit dropped from further Wilderness review  
 ISA. Grand Gulch ISA, 34,928 with wilderness characteristics  
 UT-080-103, West Cold Springs, 3,300 acres identified as WSA  
 UT-080-110, Holy Mountain, unit dropped from further Wilderness review  
 UT-080-113, Diamond Breaks, 3,900 acres identified as WSA  
 UT-080-114, Pot Creek, unit dropped from further Wilderness review  
 UT-080-419, Bull Canyon, 520 acres identified as WSA

The following unit decisions are not final since an appeal to the Interior Board of Land Appeals (IBLA) has been filed:

*Unit No. and Unit name*

UT-020-037, New Foundland Mtns.  
 UT-020-129/050-130A, Dugway Mtns.  
 UT-040-075, Horse Spring Canyon  
 UT-040-076, Carcass Canyon  
 UT-040-077, Mud Spring Canyon  
 UT-040-078, Death Ridge  
 UT-040-079, Burning Hills  
 UT-040-104, Mountain Home Range  
 UT-040-143, Canaan Mtn.

UT-040-204B, Central Wah Wah Range  
 UT-040-230, Parunuweap Canyon  
 UT-040-247, Paria-Hackberry  
 UT-040-248, Wahweap  
 UT-040-255, Upper Kanab Creek  
 UT-040-266, East of Bryce  
 UT-050-221B, Fremont Gorge  
 UT-050-238, Blue Hills-Mt. Ellen  
 UT-050-241, Fiddler Butte  
 UT-050-248, Mt. Pennell  
 UT-060-068A, Desolation Canyon  
 UT-060-068B, Floy Canyon  
 UT-060-100B, Diamond Canyon  
 UT-060-100C, Cottonwood Canyon  
 UT-060-122, Granite Creek  
 UT-060-138, Negro Bill Canyon  
 UT-060-139A, Mill Creek  
 UT-060-171, Sweet Alice Canyon  
 UT-060-175, Middle Point  
 UT-060-181, Mancos Mesa  
 UT-060-188, Pine Canyon  
 UT-060-196, Bullet Canyon  
 UT-060-197/198, Slickhorn Canyon  
 UT-060-204, Fish Creek Canyon  
 UT-060-191, Cheese Box Canyon  
 UT-060-194, Harmony Flat  
 UT-060-201, Road Canyon  
 UT-060-205A, Arch Canyon  
 UT-060-205B, Mule Canyon  
 UT-060-224, Sheiks Flat  
 UT-060-227, Squaw & Papoose Can.  
 UT-060-229, Cross Canyon  
 UT-080-104, Wild Mountain  
 UT-080-730, Winter Ridge

That portion of the inventory unit(s) listed above as specified in the appeal will remain under management restrictions imposed by Section 603 of the Federal Land Policy and Management Act pending disposition of the appeal by IBLA.

**FOR FURTHER INFORMATION CONTACT:**  
 Kent Biddulph, Utah BLM State Office, (801) 524-5326.

Dated: May 1, 1981.

Dean Stepanek,  
*Acting State Director.*

[FR Doc. 81-14383 Filed 5-12-81; 8:45 am]  
 BILLING CODE 4310-02-M

**[IOR 26124 (WASH)]**

**Washington; Termination of Small Tract Classification**

1. By Small Tract Classification Order No. 4 of the Assistant Regional Administrator, Bureau of Land Management, which was published in the *Federal Register* on September 10, 1952 (17 FR 8161), the following described land was classified for lease and sale for homesite purposes pursuant to the Small Tract Act of June 1, 1938 (43 U.S.C. 882a):

Willamette Meridian  
 T. 9 N., R. 28 E.

Sec. 22, Lot 4 and Lot 5 (formerly part of Lot 4), SW 1/4 NE 1/4, and NW 1/4.

The area described contains 237.80 acres in Benton County, Washington.

2. The Small Tract Act has been repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable and is terminated upon publication of this notice in the *Federal Register*.

3. At 10:00 a.m., on June 19, 1981 the above described land will be relieved of the segregative effect of the above-mentioned classification order.

Dated: May 4, 1981.

**Harold A. Berends,**  
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 81-14383 Filed 5-12-81; 8:45 am]  
 BILLING CODE 4310-02-M

**Resource Management Planning; Commencement of Wilderness Studies in Lewistown and Miles City Districts, Montana**

May 5, 1981.

In accordance with 43 CFR 1601.3(g) notice is hereby given of resource planning activity now underway.

The proposed action is the preparation of a Wilderness Planning Amendment/Environmental Impact Statement (WPA/EIS) for seven wilderness study areas (WSAs) in the Lewistown District and three WSAs in the Miles City District. The WPA/EIS will fulfill the requirements of the Federal Land Policy and Management Act (FLPMA), of October 1976, and will amend the Fergus, South Bearpaw, Phillips, and Valley Management Framework Plans (MFP) in the Lewistown District and the Musselshell MFP in the Miles City District. The five MFPs were completed in 1978.

The purpose of the amendment is to determine the suitability or unsuitability for wilderness designation of ten WSAs in planning areas where land use planning updates are not scheduled prior to the Bureau's 1987 date for completion of wilderness studies.

The amendment process will result in preliminary suitability recommendations which will be forwarded to the Secretary of the Interior. The secretary will make final recommendations to the President who will send them to Congress. Congress will make the final decision on which units or portions of units will be designated as wilderness.

The amendment process will not determine how the study areas will be managed. Those areas not designated as wilderness will be managed according to land use decisions already present in the appropriate MFP. A Wilderness Management Plan will be prepared for each wilderness area after designation by Congress.

The WPA/EIS is scheduled for completion by September 30, 1982.

The ten wilderness study areas to be analyzed in this WPA/EIS are:

- (1) Dog Creek South, MT-068-244, 5,230 Acres
- (2) Woodhawk, MT-068-246, 7,855 Acres
- (3) Stafford, MT-068-250, 4,700 Acres
- (4) Ervin Ridge, MT-068-253, 12,000 Acres
- (5) Cow Creek, MT-068-256, 36,200 Acres
- (6) Antelope Creek, MT-065-266, 12,340 Acres
- (7) Burnt Lodge, MT-065-278, 15,000 Acres
- (8) Billy Creek, MT-024-633, 3,480 Acres
- (9) Seven Blackfoot, MT-024-657, 19,077 Acres
- (10) Bridge Coulee, MT-024-675, 5,650 Acres.

The study areas are located in the Lewistown and Miles City Districts in central/east-central Montana. The areas are in Fergus, Phillips, Valley, Baline (Lewistown District), and Garfield (Miles City District) Counties. All units are within what is locally called the "Missouri Breaks."

A number of issues have been identified during the inventory stage of the Bureau's wilderness review.

Major issues include a fear that wilderness designation will interfere with or eliminate grazing on public lands. There is also the concern that wilderness designation will eliminate or heavily restrict the use of motor vehicles for grazing management, recreational use, oil and gas explorations, etc.

Economic issues include the concern that wilderness will decrease local private land values as well as the value of Federal grazing leases for loan purposes. The potential for interference with oil and gas exploration and production is also of economic concern.

Throughout the study process, the public will be asked to provide their concerns on the best use of the public resources. These concerns will be considered in the environmental analysis.

In order to properly analyze and consider the issues, a multi-disciplinary team will be used. Resource skills represented on the team include wildlife biology, outdoor recreation planning, soil science, hydrology, range management, minerals and geology, wilderness, lands, economics, and sociology.

The following planning criteria published in the December 19, 1980, Federal Register, Vol. 45, No. 246 (Draft

Wilderness Study Policy), will be used in the study process.

- a. Requirements for Areas Recommended as Suitable for Wilderness Designation
- b. Public Comment
- c. Local and Regional Socioeconomic Effects
- d. Energy and Critical Mineral Resource Values
- e. Consistency with Other Plans
- f. Impacts on Other Resources
- g. Impacts on Wilderness
- h. Evaluation of Wilderness Values
- i. Diversity in the National Wilderness Preservation System.

These criteria will be used to determine the level of analysis required for each issue, assist in formulating alternatives, identifying the preferred alternative, and in estimating the effects of the alternatives.

During the study, various sectors of the public will be requested to provide data needed for the analysis. As the planning process proceeds, the public will be asked to become more formally involved through open houses and public meetings. The initial open house sessions to obtain public comment on the planning criteria and the issues which should be considered in the study will be held at the following locations and times:

*Date, Time, and Location*

May 27—2:00 p.m. to 7:00 p.m.—Lewistown District Office, Airport Road, Lewistown, Montana.

May 28—6:30 p.m.—to 9:00 p.m.—Jordan VFW Club, Jordan, Montana.

Future meeting dates, times, and locations will be announced in the *Federal Register* and media.

For future information contact: Glenn L. Freeman, District Manager, Lewistown District Office, Airport Road, Lewistown, Montana 59457, (406) 538-7461.

Documents will be available for public review at the Lewistown District Office.

Michael J. Penfold,  
*State Director*.

[FR Doc. 81-14332 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-31-M

**Geological Survey**

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Shell Oil Company has submitted a

Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4125, Blocks 37 and 56, portions, Main Pass and Breton Sound Areas, 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: May 4, 1981.

Lowell G. Hammons,

*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-14332 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-31-M

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Zapata Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2552, Block 538, West Cameron 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: May 5, 1981.

Lowell G. Hammons,  
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-14304 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-31-M

#### Office of Surface Mining Reclamation and Enforcement

##### Availability of Finding of No Significant Impact (FONSI)

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**PURPOSE:** The Regional Director, Region II, has determined that reclamation activities proposed for the Osborne Slide Abandoned Mine Land Reclamation Project will not result in significant impacts on the quality of the human environment. Therefore, a more detailed and comprehensive analysis of the possible effects of the proposed reclamation, in the form of an environmental impact statement, will not be necessary. The Regional Director's FONSI, along with the Environmental Assessment (EA) from which this decision was made, will be made available for public inspection and review by contacting: Ralph H. Cox, Assistant Regional Director, AML, Office of Surface Mining, Region II, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902, Telephone: (615) 971-5287.

**REVIEW PERIOD:** No official review period has been designated. Persons wishing to comment on the FONSI or the EA may, however, forward their views to the Regional Director at the above address.

Dated: May 4, 1981

W. Hord Tipton,

Deputy Regional Director, Region II.

[FR Doc. 81-14310 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-05-M

#### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29617]

##### Atlantic & East Carolina Railway Co. and North Carolina Ports Railway Commission—Exemption; Correction; Notice

The document published on April 23, 1981, in FR Doc. 81-12214, at page 23138 was inadvertently designated as F.D. No. 29565. Please correct to read F.D. No. 29617.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-94297 Filed 5-12-81; 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 88771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

##### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the

Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication on applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

##### Volume No. OPI-139

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor, (Parker not participating.)

MC 37490 (Sub-9), filed April 29, 1981. Applicant: DUNCAN TRUCK SERVICE, INC., 100 Park Ave., Flandreau, SD 57028. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Transporting chemicals and related products, between points in IL, IA, MI, MN, NE, ND, SD, and WI.

MC 150521 (Sub-2), filed April 28, 1981. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX 79347. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763-9555. Transporting metal products, between points in Douglas County, NE, on the one hand, and, on the other, points in KS, OK, NM, and TX.

MC 155231, filed April 9, 1981, and previously noticed in *Federal Register* issue of April 24, 1981. Applicant:

MAXAM TRUCKING, INC., R.D. #1, Interlaken, NY 14847. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. Transporting *farm and construction machinery and equipment*, between those points in NY north of Rockland and Westchester Counties, on the one hand, and, on the other, Philadelphia, PA, and points in IA, IL, KS, and WI, and those ports of entry on the international boundary line between the U.S. and Canada in NY.

Note.—This republication clarifies the territorial description.

MC 155530, filed April 28, 1981. Applicant: B & M TRUCKING, INC., 7116 Ponderosa Drive, Salt Lake City, UT 84121. Representative: Thomas M. Zarr, 455 South Third East, Suite 301, Salt Lake City, UT 84111. Transporting *building materials, and clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Buehner Block Company, of Salt Lake City, UT.

MC 155601, filed April 29, 1981. Applicant: AIR TRANSIT, INC., 6 Claflin Street, Boston, MA 02210. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eagle Can Company, of Peabody, MA.

#### Volume No. OPY-3-060

Decided: May 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3104 (Sub-6), filed April 24, 1981. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, 205 Bowen St., Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-8060. Transporting *rubber products*, between points in IL, IN, KY, MI, OH, NY, MN, NJ, PA, DE, WV, KS, TN, IA, MD, VA, WI, MO, and DC.

MC 4484 (Sub-22), filed April 24, 1981. Applicant: CROWN TRANSPORT, INC., Route 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston-Purina Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 51004 (Sub-10), filed April 24, 1981. Applicant: PAUL H. LISKEY, Route 1, Box 67-H, Kearneysville, WV 25430. Representative: Daniel B. Johnson, 4304

East-West Hwy, Washington, DC 20014, (301) 654-2240. Transporting *agricultural chemicals, and fertilizer*, between points in DE, MD, OH, PA, VA, WV, and DC.

MC 61294 (Sub-3), filed April 24, 1981. Applicant: PEOPLE'S FUEL AND TRUCKING, INC., 73 City Hall Ave., Gardner, MA 01440. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *commodities in bulk*, between points in ME, MA, NH, RI, and VT.

MC 69145 (Sub-2), filed February 9, 1981. Applicant: C. M. MITCHELL & SONS TRANSFER COMPANY, P.O. Box 1608, Meridian, MS 39301. Representative: Donald B. Sweeney, Jr., 512 Massey Building, Birmingham, AL 35203, (205) 251-2881. Transporting *pulp, paper and related products*, between points in Meringo, Choctaw and Sumter Counties, AL, and Lauderdale County, MS, on the one hand, and, on the other, points in AL, MS, and LA.

MC 113594 (Sub-5), filed April 27, 1981. Applicant: ASPHALT PRODUCTS TRANSPORT CO., INC., 635 West 18 Street, Tucson, AZ 85703

Representative: Andrew V. Baylor, 337 West Elm Street, Phoenix, AZ 85012. Transporting *liquid asphalt, road oil, and residual fuel oil*, between points in the U.S., under continuing contract(s) with Chevron U.S.A. Inc., of San Francisco, CA.

MC 117304 (Sub-44), filed April 24, 1981. Applicant: DON PAFFILE, d.b.a. PAFFILE TRUCK LINE, 5735 N & S Highway, Lewiston, ID 83501.

Representative: Michael J. O'Neill (same address as applicant), (208) 746-9851. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, ID, and MT.

MC 124904 (Sub-6), filed April 27, 1981. Applicant: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Rd., Kings Park, NY 11754. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, (212)-275-1000. Transporting *Food and related products*, between those points in the U.S. in and east of WI, IL, KY, TN and MS.

MC 140484 (Sub-93), filed April 24, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334-4517. Transporting *such commodities as are dealt in or used by grocery stores and food business houses*, between points in U.S., under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA.

MC 144115 (Sub-19), filed April 24, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW, Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677-2586. Transporting *(1) pulp, paper and related products, (2) printed matter, (3) chemicals and related products, (4) equipment and supplies used in educational institutions, and (5) rubber and plastic products*, between Du Page and Cook Counties, IL, Lake and Marion Counties, IN, Fayette and Woodfore Counties, KY Muscatine County, IA, Bristol County, MA, and West Chester County, NY, on the one hand, and, on the other, points in the U.S.

MC 145054 (Sub-46), filed April 24, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver CO 80264, (303) 861-4028. Transporting *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with Nekoosa Papers Inc., and its wholly owned subsidiaries, of Port Edwards, WI.

MC 149114 (Sub-7), filed April 28, 1981. Applicant: NATIONAL TRANSPORT SERVICES COMPANY, INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Avenue NW, Suite 1000, Washington, DC 20036, (202) 857-0141. Transporting *confectionary*, between points in the U.S., under continuing contract(s) with M&M Mars, Inc., of Hackettstown, NJ.

MC 152444 (Sub-3), filed April 27, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy #36 & 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *chemicals and related products*, between points in Jackson County, MO, Washington, Cass, Gage, and Richardson Counties, NE, on the one hand, and, on the other, points in IA and MO.

MC 153385, filed April 27, 1981. Applicant: AUTOMOBILE TRANSPORT SPECIALISTS, INC., 6576 S. Andes Place, Aurora, CO 80016. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861-4273. Transporting *transportation equipment*, between points in AZ, CA, CO, IL, IN, MI, MO, MT, NE, NV, NM, ND, KS, OH, OK, SD, TX, UT and WY.

MC 153714, filed April 27, 1981. Applicant: FRADDY'S TRUCKING, 2200

S.E. 45th #49, Hillsboro, OR 97123. Representative: William A. Murray (same address as applicant), (503) 640-8303. Transporting *malt beverages and wine*, between San Antonio, TX, and points in Los Angeles, Kern, and Santa Clara Counties, CA, on the one hand, and, on the other, points in Washington Counties, OR.

Agatha L. Mergenovich,  
Secretary.

[FRA Doc. 81-14328 Filed 5-12-81; 8:45 am]  
BILLING CODE 7035-01-M

#### **Motor Carriers; Permanent Authority Decisions; Decision-Notice**

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### **Findings**

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the

quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later 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. OPI-140**

Decided: May 6, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Parker, Chandler and Taylor.)

MC 154430 (Sub-2), filed April 29, 1981. Applicant: COAST TO COAST TRANSPORT, INC., P.O. Box 35507, 7411 S. Atlanta, Tulsa, OK 74135.

Representative: Paul Capps (same address as applicant), (918) 494-4016. Transporting *general commodities*, between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyard and Hornersville, MO, McHenry, ND, Narciso, Russellville and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, Winfield, Riverdale and Belle Plaine, KS, and Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

**Note.**—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155641, filed April 28, 1981. Applicant: PAUL EDWARD BROWN, d.b.a. SECURED ARMORED CAR SERVICE, P.O. Box 855, Medford, OR 97501. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR

97201, (503) 226-6491. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

#### **Volume No. OPY-3-061**

Decided: May 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154305, filed April 28, 1981.

Applicant: CENTRAL VALLEY

MOVING & STORAGE, 415 S. Soderquist Rd., P.O. Box 2340, Turlock, CA 95380. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting, for or on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) transportation for the United States Government of *used household goods* which transportation is incidental to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 147724 (Sub-3), filed April 27, 1981. Applicant: TYRONE SCHULZ, d.b.a. TY SCHULZ TRUCKING, Route 1, Box 221, Ione, CA 95640. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

#### **Volume No. OPY-3-062**

Decided: May 7, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154484 (Sub-3), filed April 30, 1981. Applicant: BOB HIMES, INC., 8611 New Benton Highway, Little Rock, AR 72209. Representative: Robert H. Himes (same address as applicant), (501) 224-0153. Transporting *general commodities*, between Holly Springs and Stokdale, NC, Radcliffe, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillette and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville and Edgeton, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX.

Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

**Note.**—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155614 (Sub-1), filed April 29, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., P.O. Box 100301, Nashville, TN 37210.

Representative: Francis J. Orscheln, 1736 Parkwood Drive, Moberly, MO 65270; (816) 263-1088. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155644, filed April 29, 1981. Applicant: MICHAEL J. WRIGHT, DAVID C. WRIGHT and HAROLD J. WRIGHT, JR., d.b.a. KITTY HAWK EXPRESS SYSTEMS, Hevelyn Rd., Elmsford, NY 10523. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155684, filed May 1, 1981. Applicant: E. L. MOBLEY, INC., P.O. Box 1688, 21 East Bay St., Savannah, GA 31402. Representative: Richard E. Mobley (same address as applicant), (912) 234-0688. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-14329 Filed 5-12-81; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carrier; Temporary Authority Application

### Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such

service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property

#### Notice No. F-119

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147076 (Sub-II-1TA), filed April 30, 1981. Applicant: COMMERCIAL ZONE CARTAGE, INC., 9940 Cincinnati-Dayton Rd., West Chester, OH 45069. Representative: James M. Durham (same address as applicant). *Contract Irregular: Clothing and any related articles used in the manufacture and distribution thereof, between Florence, KY, Neuan, GA, Chicago, IL, Denver, CO, Baltimore, MD, Brockton, MA* for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Levi Strauss & Co., 7950 Dixie Highway, Florence, KY 41042.

MC 50069TA (Sub-II-11TA), filed April 30, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (same address as applicant). Corrosive cleaning and rust preventive chemicals, in bulk, in tank vehicles from Redford Township, MI to points in AR. Supporting shipper: Detrex Chemical Industries, Inc., 26000 Capitol Ave., Redford, MI 48239.

MC 151706 (Sub-II-3TA), filed April 30, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities*

having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand, and, on the other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025.

MC 146820 (Sub-II-9TA), filed April 30, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract—Irregular: General commodities* (except Classes A and B explosives) between points in the United States, under a continuing contract(s) with International Paper Company of New York, NY, for 270 days. Supporting shipper: International Paper Company, 77 W. 45th St., New York, NY 10036.

MC 155635 (Sub-II-1TA), filed April 30, 1981. Applicant: EURO TRUCKING, 225 South Scioto St., Circleville, OH 43113. Representative: Robert L. Norpeth, 225 South Scioto St., Circleville, OH 43113. *Contract—Irregular: Commodities as dealt in by agricultural feed business houses* from Circleville, OH to points in PA, WV, NY and MD for 270 days. An underlying ETA seeks 120 days authority.

Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188.

MC 154713 (Sub-II-10TA), filed April 30, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products, construction equipment, welders, generators, compressors and tool houses, between points in Allegheny, Bucks and Warren Counties, PA; Jefferson County, AL; LaSalle County, IL; Polk County, IA and Baltimore, MD, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Pittsburgh Des Moines Corporation, 3400 Grand Avenue, Pittsburgh, PA 15225.*

MC 155575 (Sub-II-1TA), filed April 30, 1981. Applicant: K & L TRUCKING, INC., 511 Wood St., Delta, OH 43515. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of brass and brass products, between the facilities of Chase Brass & Copper Unit of Kennecott Corporation at or near Montpelier, OH on the one hand, and, on the other,*

points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Engineering Systems Co., Div. of Kennecott Corp., 20600 Chagrin Blvd., Cleveland, OH 44122.

MC 67646 (Sub-II-8TA), filed April 30, 1981. Applicant: HALL'S MOTOR TRANSIT CO., 6080 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). (1) such commodities as are dealt in by construction and home improvement centers (except in bulk and except articles requiring the use of special equipment), and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, between the facilities of Therma-Tru Division of LST Corp. at points in the US in and east of ND, SD, NE, CO, OK and TX, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Therma-Tru, Division of LST Corp., 2806 Reynolds Rd., Toledo, OH 43615.

MC 2368 (Sub-II-TA), filed April 30, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O.B. 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). Chemicals, in bulk, in tank vehicles, between points in NC, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 270 days authority. Supporting shipper(s): Ace Chemical Corp., P.O.B. 7031, Charlotte, NC 28217; Chem-Way Corp., P.O.B. 8129, Charlotte, NC 28208.

MC 155637 (Sub-II-1TA), filed April 30, 1981. Applicant: DAVID STEIN, d.b.a. DISTRIBUTION SERVICES, INC., Armstrong Terminal, 1st St. and 7th Ave., Huntington, WV 25701. Representative: David Stein, 2002 Weberwood Rd., Charleston, WV 25314. Contract, irregular, Office supplies, between Huntington, WV and pts. in WV, on the one hand, and, on the other, pts. in Washington, Athens, Meigs, Gallia, Lawrence and Scioto Counties, OH, and pts. in Greenup and Boyd Counties, KY, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with existing carrier. Supporting shipper: Boise Cascade Office Products Div., 800 W. Byrn Mawr Ave., Itasca, IL 60143.

MC 155086 (Sub-II-2TA), filed April 30, 1981. Applicant: RICHMOND TRUCKING, INC., Rte. 1, Box 255, Glen Morgan, WV 24847. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25528. Contract,

irregular—*Mine Roof and Tunneling Support Systems, Machinery, and Materials, Supplies and Equipment used in their manufacture, production and sale* between points in Raleigh County, WV and points in the US except HI, under continuing contract(a) with Dosco Corporation., for 270 days. Supporting shipper(s): The Dosco Corporation, 1020 N. Eisenhower Dr., Beckley, WV 25801.

MC 155633 (Sub-II-1TA), filed April 30, 1981. Applicant: WILLIAM J. VENDETTI, d.b.a. VENDETTI TRUCKING COMPANY, 618 Camelot Drive, Bel Air, MD 21014.

Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Contract irregular (1) empty bottles from Havre de Grace, MD to Alexandria, VA and (2) beverages from Alexandria, VA to Baltimore, MD, under continuing contract with Mid-Atlantic Coca Cola Co., Baltimore, MD, for 270 days. Supporting shipper: Mid-Atlantic Coca Cola Company, 701 North Kresson St., Baltimore, MD 21205.

MC 143300 (Sub-II-4TA), filed April 27, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Fertilizer and Fertilizer Materials, (1) from Chesapeake and Danville, VA to points in NC, and, (2) from Kinston and Wilmington, NC to points in VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Borden Inc.-Smith Douglas Division, P.O. Box 111, Danville, VA 24541.

MC 61825 (Sub-II-16TA), filed April 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Paint or paint materials, from Baltimore, MD to points in IN and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dutch Boy, Consumer Div., The Sherwin-Williams Co., 2325 Hollins Ferry Rd., Baltimore, MD 21230.

MC 61825 (Sub-II-15TA), filed April 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Roofing and roofing related products, from Tuscaloosa, AL and Knoxville, TN, to points in MD, NJ, NY, NC, PA, SC, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tamko Asphalt Products, Inc., 220 West 4th Street, Joplin, MO 64801.

MC 142823 (Sub-II-2TA), filed April 27, 1981. Applicant: CROSBY

TRUCKING SERVICE, INC., P.O. Box 125, New Hope Rd., Staunton, VA 24401. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151. Such commodities as are dealt in or used by manufacturers and distributors of building and roofing insulation and insulation materials, between Woodstock, VA, on the one hand, and, on the other, points in MD, PA, OH, NY, VA, WV, DE, and DC, for 270 days. Supporting shipper: Johns-Manville Corp., 200 N. Main St., Manville, NJ 08835.

MC 154713 (Sub-II-8TA), filed April 27, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Refractories, refractory products, materials and supplies used in the manufacture and distribution thereof, between points in Lawrence and Scioto Counties, OH; Lake County, IN; Monroe County, MI and Allegheny County, PA, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: BMI, Inc., 700 Bingham St., Pittsburgh, PA 15203.

MC 154713 (Sub-II-9TA), filed April 27, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Refractories and refractory materials, between points in Greenup County, KY and Hamilton County, OH, on the one hand, and, on the other, points in AR, CO, IN, IL, GA, KY, LA, MD, NY, OH, PA, SC, TN and TX for 270 days. Supporting shipper: Didier-Taylor Refractories Corp., P.O. Box 457, South Shore, KY 41175.

MC 148525 (Sub-II-1TA), filed April 27, 1981. Applicant: THE PEERLESS TRANSPORTATION COMPANY, 214 S. Perry St., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. General commodities (except Classes A and B explosives). (1) between Dayton, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH and WV and (2) between Cincinnati and Columbus, OH, on the one hand, and, on the other, points in OH for 270 days. Supporting shippers: Dayton Bag & Burlap Co., P.O. Drawer 8, Dayton, OH 45401; Millwork Sales Company, 23 Walbrook Ave., Dayton, OH 45405; Maddox Company, 102 Forestview Dr., Dayton, OH 45459; Monarch Marking Company, Byers Rd., Miamisburg, OH 45401; Sunwise

Products, Inc., 2206 South Linda Dr., Bellbrook, OH 45305.

MC 107012 (Sub-II-163TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant).

*Contract irregular: General commodities (except class A & B explosives and household goods as defined by the Commission) between points in the U.S. under continuing contracts with North American Phillips Corp., of New York, NY, and its Subsidiaries for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: North American Phillips Corp., 100 East 42nd St., New York, NY 10017.*

Note.—Common control may be involved.

MC 107012 (Sub-II-162TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Urethane foam products from the facilities of Cushion Products of America, Inc. at or near Americus, GA to points in AL, AR, FL, KY, LA, NC, SC, SD, TN, VA, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Cushion Products of America, Inc., Route 4, Brady Road, Americus, GA 31709.*

Note.—Common control may be involved.

MC 107012 (Sub-II-161TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). *Contract irregular: General commodities (except class A & B explosives and household goods as defined by the Commission) between points in the U.S. under continuing contract with Xerox Corp., Rochester, NY for 270 days. Supporting Shipper: Xerox Corp., Xerox Square, Rochester, NY 14644.*

Note.—Common control may be involved.

MC 155529 (Sub-II-1TA), filed April 27, 1981. Applicant: G & D TRANSPORT, INC., 33 Spring Hollow Lane, Westerville, OH 43081. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of oil well drilling equipment between the facilities of Morgan Engineering at or near Alliance, OH, on the one hand, and, on the other, points in CA, NV, UT, ID, WY, CO, NE, KS, OK, TX, NM, LA, AR, MO, IA, IL, IN, OH, KY, TN, MA, AL, PA, AZ, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Morgan*

Engineering, Oil Products Division, A Unit of AMCA Internation Corporation, 947 E. Broadway, Alliance, OH 44601.

The following applications were filed in region 8. Send protests to: Interstate Commerce Commission, Region 8, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 153578 (Sub-6-4TA), filed April 27, 1981. Applicant: ALPINE TRANSPORT, INC., 225 Commerce St., Missoula, MT 59801. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807. (1) *Lumber; (2) Wood Products; (3) Building Materials* from OR, WA, MT, ID to MT, WY, ND, SD, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Northern Timber Co., P.O. Box 25362, Portland, OR 97225.

MC 155530 (Sub-6-1TA), filed April 27, 1981. Applicant: B & M TRUCKING, INC., 7116 Ponderosa, Salt Lake City, UT 84121. Representative: Thomas M. Zarr, 455 South Third East, Suite 301, Salt Lake City, UT 84111. *Contract Carrier, Irregular. Building materials, clay and concrete products (except commodities in bulk in tank vehicles) from Salt Lake County, UT to points in ID, WY, MT, CO, NM, AZ and NV (for 270 days). ETA seeks 120 days authority. Supporting shipper: Buehner Block Company, 2800 South West Temple, Salt Lake City, UT 84115.*

MC 133589 (Sub-6-1TA), filed April 27, 1981. Applicant: BCT, INC., One Jefferson Sq., Boise, ID 83728. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111. *Contract Carrier, irregular routes: buildings, portable or fabricated, NOIBN, wood with heating, air conditioning, stoves or cabinets installed, setup or in set-up sections, from Lafayette, CO, Meridian and Pocatello, ID, Laurel, MT, and Bingham (West Jordan) UT, to points in and West of ND, SD, NE, KS, OK, & TX, under a continuing contract with KRR, Inc., Boise, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: KRR, Inc., P.O. Box 8358, Boise, ID 83707.*

MC 155375 (Sub-6-1TA), filed April 27, 1981. Applicant: C. BOND COMPANIES, INC., P.O. Box 1989, Fontana, CA 92335. Representative: William J. Blohm (same address as applicant). *General Commodities (except used household goods and Classes A and B explosives) between points in AZ, CA, NV, for 270 days. Underlying ETAs seeks 120 days. Supporting shippers: Industrial Mineral Ventures, Inc., P.O. Box 237, Lathrop Wells, NV 89020; United Distribution Service, Inc., 2242 E. 49th St., Vernon, CA 90058.*

MC 71652 (Sub-6-11TA), filed April 23, 1981. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Flat Glass*, between the plant of PPG Industries, Inc. at or near Crystal City, MO on the one hand, and, on the other, all points in CA for 270 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 155449 (Sub-6-1TA), filed April 27, 1981. Applicant: CHARLES LITTLE, d.b.a. CALIFORNIA FREIGHT LINES, 12424 Orr and Day Rd., Norwalk, CA 90650. Representative: Charles Little (same as applicant). *Coiled bed springs; water heaters, solar heaters and steel pipe and tubing*, between points in CA and points in AZ, NV and OR for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): American Appliance, 2425 Michigan Ave., Santa Monica, CA 90406, Sealy Springs Corporation, 1183 Hensley St., Richmond, CA 94801, Western Tube and Conduit, 2001 E. Dominguez St., Long Beach, CA 90710.

MC 143660 (Sub-6-1TA), filed April 27, 1981. Applicant: CENTURY SERVICES, INC., P.O. Box 30647, Honolulu, HI 96819. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Contract Carrier, Irregular Routes: Such Commodities as are Dealt In or Used By Retail Catalogue Merchandise Stores and Department Stores, from St. Louis, MO and its commercial zone to points in IL on and So. of U.S. Hwy. 36 and on or west of U.S. Hwy. 51 and No. of the So. line of Jackson County, IL for the account of J. C. Penney Company, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: J. C. Penney Company, Inc., 2258 Scheutz Road, St. Louis, MO 63141.*

MC 155534 (Sub-6-TA), filed April 24, 1981. Applicant: KING ARTHUR MONTGOMERY and RANDALL WHITNEY, a partnership, d.b.a. CONTACT STAGE COMPANY, P.O. Box 137, Jackpot, NV 89825. Representative: Carol Hutchison, 1347 144th Ave #4, San Leandro, CA 94578. *Passengers, Express, Newspapers, Baggage, and Mail* between points in Twin Falls County ID and Elko County NV, for 180 days. Supporting Shippers: City of Wells, 279 Clover, Wells, NV 89835; City of Twin Falls, 321 2nd Avenue East, Twin Falls, ID 83301.

MC 124679 (Sub-6-43TA), filed April 28, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 W 2100 S, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant).

*Building materials and materials, equipment, and supplies used in the manufacture and distribution thereof (except in bulk) between the facilities used by Donn Corporation at or near Westlake and Medina, OH, on the one hand, and, on the other points west of the eastern boundaries of KS, NE, ND, OK, SD, and TX for 270 days. Supporting Shipper: Donn Corporation, 1000 Crocker Rd., Westlake, OH.*

*Note.—Applicant holds motor contract carrier authority in number MC-128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 120 days authority.*

MC 125986 (Sub-6-8TA), filed April 27, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Pulp, paper and related products, between Waterloo, IA and Ogden, UT, for 270 days. Supporting Shipper: Professional Office Service, Inc., P.O. Box 450, Waterloo, IA 50704.*

MC 145471 (Sub-6-2TA), filed April 28, 1981. Applicant: JOHN K. GRAY TRUCKING, 30 G st, Arcata, CA 95521. Representative: Phyllis Gray (same as applicant). *(1) Lumber, lumber mill products and wood products; and (2) equipment, materials and supplies used in the manufacture, sale and distribution of commodities listed in (1) above, between Smith River, CA on the one hand, and, on the other, points in AZ, NV, OR and WA; Restricted to shipments moving for the account of Arcata Lumber Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Arcata Lumber Co., P.O.B. 250, Smith River, CA, 95567.*

MC 155428 (Sub-6-2TA), filed April 28, 1981. Applicant: K-C & COMPANY TRUCKING, P.O.B. 141, Lima, MT 59739. Representative: David E. Wishney, P.O. B. 837, Boise, ID 83701. *Contract Carrier, irregular routes: (1) oil drilling mud compounds and (2) portable storage sheds from points in CO, ID, ND, NV, SD, UT and WY to points in MT under continuing contract(s) with IMCO Services, for 270 days. Supporting shipper: IMCO Services, P.O. Box 309, Rock Springs, WY 82901.*

MC 155447 (Sub-6-1TA), filed April 27, 1981. Applicant: INTERCHANGE TRANSPORT SERVICES, 2300 Candelaria N.E., Suite 103, Albuquerque, NM 87107. Representative: David Lienau (same address as applicant). *General commodities, (except commodities in bulk, in tank vehicles and household goods), (1) between points in NM, on the one hand, and on the other, points in*

*NM, AZ, TX, OK, CO, CA and UT; (2) between all points in NM for freight having a prior or subsequent movement, for 270 days. Supporting shipper(s): There are six (6) supporting shippers. There statements may be examined at the Regional office listed.*

MC 155548 (Sub-6-1TA), filed April 27, 1981. Applicant: MAYFIELD TRUCKING INC., 10508 Plunkett St., Bellflower, CA 90706. Representative: Leonard Mayfield (same as above). *Construction machinery, outfits and supplies, between facilities in CA on the one hand and points in AZ and NV on the other, for 270 days. Supporting shipper(s): Raymond International, 21136 S. Wilmington Ave., Carson, CA; Hyster Corporation, 2425 S. Garfield, Commerce, CA; Trautwein Bros., 2410 Newport Blvd., Newport Beach, CA; Paramount Pacific Inc., 14409 Paramount Blvd., Paramount, CA.*

MC 144572 (Sub-6-13TA), filed April 27, 1982. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Carbonated beverages, from Denver, CO to Lincoln, Kearney and Grand Island, NE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Denver Coca-Cola Bottling Company, 3825 York St., Denver, CO 80205.*

MC 144572 (Sub-6-14TA), filed April 24, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *(1) Appliances, hydrotherapy equipment, sink and shower fixtures, smoke alarms, and filters, and (2) materials, supplies and equipment used in the manufacture and distribution of the commodities named in part (1) above, from points in CA, IL, IN, NY, OH, PA and TX to Larimer County, CO, for 270 days. Supporting shipper: Teledyne Water Pik, 1730 Prospect, Ft. Collins, CO 80524.*

MC 144572 (Sub-6-15TA), filed April 27, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Malt beverages, from Buffalo, NY; Detroit, MI; Galveston, TX; Omaha, NE; Phoenix, AZ; St. Louis, MO; and St. Paul, MN to Greeley, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: H & S Distributing, Inc., 2123 2nd Avenue, Greeley, CO 80631.*

MC 144053 (Sub-6-1TA), filed April 28, 1981. Applicant: DON MUMMA TRUCKING, INC., Rt. 2, Box 143M,

Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055.

*Contract carrier: irregular routes: trailer components and parts used in the construction or building of trailers from points in AL, MI, KY, OH, IN, IL, PA, CA, WI, CO, GA, MO and MN to points in Spokane County, WA, under continuing contracts with Comet Corp., of Spokane, WA; Leland Trailers, Inc., of Spokane, WA; and Alloy Trailers, Inc., of Spokane, WA, for 270 days. Supporting shippers: Alloy Trailers, Inc., 3025 Geiger Blvd., Spokane, WA 99204; Comet Corp., N. 3808 Sullivan Rd., Spokane, WA 99216; Leland Trailers, Inc., P.O. Box 11217, Spokane, WA 99211.*

MC 152608 (Sub-6-2TA), filed April 28, 1981. Applicant: NICHOLSON TRUCKING, INC., 1532 S. E. 3rd Ave., Portland, OR 97214. Representative: Paul C. Nicholson (same as applicant).

*Contract carrier, irregular route: Lumber and wood products; pulp, paper, and related products; metal products, building materials, and commodities used in the manufacture of the above, between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 270 days. Restricted to shipments moving for the account of Louisiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: James A. McArthur, Division TM, Louisiana-Pacific Corporation, P.O.B. 158, Samoa, CA 95564.*

MC 155536 (Sub-6-1TA), filed April 27, 1981. Applicant: R. D. NICKELL, d.b.a. R. D. NICKELL TRUCKING COMPANY, 4650 Arrow Hy., Su. A-10, Montclair, CA 91783. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs requiring refrigeration from points in CA to points in AZ, AR, CO, ID, IL, IN, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, for 270 days. Supporting shipper: Packers Cold Storage, 1415 S. Raymond Ave., Fullerton, CA 92631.*

MC 119555 (Sub-6-2TA), filed April 28, 1981. Applicant: OIL & INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta, CD T2P 2P9. Representative: D. S. Vincent (same as applicant). *Cement additive, from Dighton, MA to ports of entry on the US/CD International Boundary line located at Queenston, NY, for 270 days. Supporting shipper: Atkemix Inc., P.O. Box 1085, Brantford, Ontario, CD.*

MC 140163 (Sub-6-4TA), filed April 27, 1981. Applicant: POST & SONS TRANSFER, INC., 2328 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady

Way, Suite 233, Renton, WA 98055. **Metal and metal products** between points in the Seattle, WA, commercial zone, on the one hand, and points in OR, CA and UT, on the other hand, for 270 days. Supporting shippers: National Blower and Sheet Metal Co., 1129 St. Paul Ave., Tacoma, WA 98421; ASC Pacific, 2141 Milwaukee Way, Tacoma, WA 98421; and Traffic Control Sign Co., P.O. Box 11305, Tacoma, WA 98411.

MC 155546 (Sub-6-1TA), filed April 27, 1981. Applicant: SNOWBIRD, INC., 244 Kelly Road, Bellingham, WA 98225. Representative: Bruce A. Wolf, 2120 Pacific Bldg., Seattle WA 98104. **Contract carrier**, irregular routes: **Building materials**, between points in WA, CA, OR, ID, and international points of entry between WA and B.C., CD, for 270 days. Supporting shipper: Duke Lumber, Ltd., 201-20316 56th Ave., Langley, B.C. V3A 3Y7.

MC 141867 (Sub-6-11TA), filed April 27, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Michael E. Southards (same as applicant). **Commodities dealt in or used by the manufacturers of foodstuff**, between points in the Seattle, WA commercial zone on the one hand, and, on the other hand, points in OR, CA, ID, NV, MT, UT, WY, AR, TX, NM, and LA for 270 days. Supporting shipper: Alaska Group of Companies, Inc., 614 First Ave., P.O. B. 4152, Seattle, WA 98104.

MC 155532 (Sub-6-1TA), filed April 24, 1981. Applicant: WAYNE ALLEN WHITE, SR., d.b.a. WHITE & SON'S TRUCKING, 1036 73rd Avenue SE, Tumwater, WA 98502. Representative: Wayne Allan White, Sr., 5225 80th Avenue NW, Olympia, WA 98502. **Building Materials; Lumber; Wall Board; Wall Board Mud and Supplies; Trusses; Laminated Beams; Nails; Roofing Materials (asphalt or steel); Posts and Poles (treated or untreated); Insulation; Glass; Steel; Shakes**. Between points in WA, OR, ID, CA, and NV, excluding service between points within a single state for 270 days. Supporting shippers: Tri-City Roofing Supply Co., d.b.a. Suburban Roofing, 5613 Elvas Ave., Sacramento, CA 95810; Lucas Plywood & Lumber, 2085 Vista SE, Salem, OR 97302; U.S. Lumber Sales, 2085 Vista SE, Salem, OR 97302.

MC 59412 (Sub-6-1TA), filed April 27, 1981. Applicant: JACK L. MASSENDER, d.b.a. ZILLAH HAULING SERVICE, 6502 N. Pittsburg St., Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. **Lumber and**

**wood products** between points in WA and ID, on the one hand, and points in ID, MT, OR, CA, NV, UT, CO and AZ, on the other hand, for 270 days. **Supporting shippers**: There are seven supporting shippers. Their statements may be examined at the Regional office listed.

MC 152671 (Sub-6-8TA), filed April 29, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1578, Boise, ID 83701. **Contract Carrier**, Irregular routes: **Brick and masonry supplies**, from ports of entry on the international boundary line between the U.S. and CD located in ND, MN, ID, MT, and WA to Boise, ID, for 270 days. Supporting shipper: Masonry Center, Inc., 1424 North Orchard, Boise, ID 83705.

MC 134387 (Sub-6-13TA), filed May 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. **Canned or preserved foodstuffs, and materials, supplies and equipment used in the manufacture, sale and distribution of same** between points in CA, OR, WA, UT, ID, MT and WY for 270 days. Supporting shipper: Del Monte Corporation, 1425 NE Irving, Portland, OR 97214.

MC 134387 (Sub-6-14TA), filed May 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. **Appliances and machinery** from Davis County, UT to all points in CA, NV and OR, for 270 days. Supporting shipper: General Electric Company, 1051 S. Freeport Industrial Parkway, Clearfield, UT 84051.

MC 149138 (Sub-6-4TA), filed May 1, 1981. Applicant: CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80239. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. **Beer**, from St. Paul, MN and Omaha, NE to Greeley, CO for 270 days. Supporting shipper: H & S Distributing, 2123 Second Avenue, Greeley, CO 80831.

MC 149138 (Sub-6-5TA), filed May 1, 1981. Applicant: CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80239. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. **Malt beverages**, from St. Paul, MN, Peoria, IL, Milwaukee, WI, Memphis, TN and San Antonio, TX to Denver, CO, for 270 days. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Avenue, Denver, CO 80223.

MC 113282 (Sub-6-1TA), filed April 30, 1981. Applicant: CEMENT DISTRIBUTORS, INC., 1442 Richmond Beach Rd., Seattle, WA 98177. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. **Cement**, in bulk and packages, between points in WA and OR and points in OR and WA and ports of entry on the U.S.-Canadian Boundary Line in WA for 270 days. Supporting shippers: Oregon Portland Cement Co., 111 S.E. Madison St., Portland, OR 97214; Valley Rite Mix, Box 367, Abbotsford, B.C. V2S-4N9; Rempel Brothers Concrete, Ltd., 2866 Immel Road, Box 187, Abbotsford, B.C. V2S 4N8.

MC 42487 (Sub-6-60TA), filed April 29, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. **Common carrier**, regular routes: **General commodities**, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (Hazardous wastes are not involved), serving points in Carbon and Emery Counties, UT as off-route points in connection with carrier's existing regular-route operations, for 270 days. Supporting shipper(s): There are twelve (12) shippers. Their Statements may be examined at the Regional Office listed.

**Note**.—Applicant intends to tack to its existing authority to permit service to and from points throughout the U.S. Applicant proposes to interline traffic with its present connecting carriers.

MC 136605 (Sub-6-41TA), filed April 29, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). **Scrap Metal**, from the facilities of Pacific Hide & Fur Depot located at or near Glasgow, Sidney, Miles City, Billings, Bozeman, Butte, Missoula, Kalispell, Great Falls, Havre, Lewistown, Helena, MT; Gillette, Casper, Rock Springs, Worland, Douglas, WY; Pocatello, Burley, Twin Falls, Idaho Falls, Nampa, Boise, Salmon, Lewiston, ID; to the facilities of Nucor Corporation at or near Plymouth, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Hide & Fur Depot, 1401 34d St. N.W., Great Falls, MT 59107.

MC 136605 (Sub-6-42TA), filed April 29, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B 8129,

Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Lumber, Lumber Mill Products and Wood Products*, from points in AZ, CO, NM, and UT to points in AR, IA, IL, IN, KS, LA, MI, MO, NE, OH, OK, TX, WI and MN, for 270 days. An underlying ETA seeks 120 days authority.

Supporting shippers: Sagebrush Sales Company, P.O.B. 25606, Albuquerque, NM 87125; Navajo Forest Products, Navajo, NM 87157; Kennedy Lumber, Inc., P.O.B. 14008, Albuquerque, NM 87111; Snow Mountain Lumber Company, P.O.B. 2406, Durango, CO 81301.

MC 138605 (Sub-6-43TA), filed May 4, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Drilling mud and mud additives (except in bulk)*, (1) between points in the U.S. in and west of ND, SD, NE, KS, OK and TX (2) between points named in (1) above and points in the U.S./CN Border in ND, MT, ID, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Milchem, Inc., 3920 Essex Lane, Houston, TX 77027.

MC 155169 (Sub-6-1TA), filed April 30, 1981. Applicant: EXPRESSLY LTL., P.O. Box 3-245, Anchorage, AK 99501. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. So., Seattle, WA 98104. *General commodities (except classes A and B explosives)*, between Anchorage, AK on the one hand, and, on the other, points within the Third Judicial District of AK for 270 days. Supporting shippers: Washington-Oregon Shippers Cooperative Association/Pacific Northwest Shippers Cooperative Association, 200 West Thomas, Seattle, WA 98119; Alltrans Arctic Container, 650 South Othello, Seattle, WA 98108; Pioneer Auto & Truck Parts, Inc., P.O. Box 2543, Homer, AK 99603.

MC 139906 (Sub-6-70TA), filed May 1, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Such commodities as are used or dealt in by manufacturers and distributors of rubber, plastic and chemical products (except in bulk)* between the facilities of Fleetway Rubber, Inc., at or near Conyers, GA on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority.

Supporting shipper: Fleetway Rubber Co., 1961 Industrial Blvd., Conyers, GA 30207.

MC 152109 (Sub-6-14TA); filed May 4, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier, Irregular routes: General Commodities* (except classes A and B explosives and hazardous waste materials) (a) from points in Clark County, NV to points in Ventura County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and San Diego County, CA; Salt Lake City and St. George, UT; and Flagstaff, Kingman, Phoenix, and Tucson, AZ; and (b) from Los Angeles and Riverside, CA to points in Clark County, NV; Phoenix, Flagstaff, Tucson, Sun City, and Chandler, AZ for the account of the Flintkote Company, Los Angeles, CA for 270 days. Supporting shipper: The Flintkote Company, 5500 S. Alameda St., Los Angeles, CA 90058.

MC 144135 (Sub-6-1TA), filed April 30, 1981. Applicant: L & V TRUCKING, INC., 32650 Almaden Blvd., Union City, CA 94587. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier, Irregular routes: Steel roofing and beams in truckload lots* from Fremont, CA to Las Vegas, NV and *contractors materials and supplies*, in lots of 10,000 pounds or more, from Las Vegas, NV to Fremont, CA for 270 days. Supporting shipper: Inryco, Inc., P.O. Box 393, Milwaukee, WI 53201.

MC 138505 (Sub-6-4TA), filed April 29, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 So. Ulster St., Suite 206, Englewood, CO 80111. Representative: Ralph Fox (same as applicant). *Contract Carrier: Irregular routes: Such commodities as are dealt in by retail department stores*, from Hartford, CT, to points in RI and MA, for the account of G. Fox & Co., for 270 days. Supporting shipper: G. Fox & Co., 960 Main St., Hartford, CT 06115, an underlying ETA seeks 120 days authority.

MC 144572 (Sub-6-16TA), filed May 1, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Malt Beverages*, from Memphis, TN and Los Angeles, CA to Greeley and Niwot, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Twin City Distributing, Inc., 611 8th St., Greeley, CO 80631.

MC 155692 (Sub-6-1TA), filed April 29, 1981. Applicant: DON PASCUZZO TRUCKING, 7153 Nada Street, Downey,

CA 90242. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Metal products* from Los Angeles County, CA, to Phoenix, Tucson, Yuma and Flagstaff, AZ, Grand Junction, CO, Pocatello, ID, Las Vegas, Carson City and Reno, NV, Salt Lake City, Provo, St. George, Spanish Fork and Vernal, UT, for 270 days. Supporting shippers: Viking Steel Corporation, 1010 North Main Street, Suite 515, Santa Ana, CA 92701; Parcel Steel Company, 417 East 44th Way, Long Beach, CA 90807.

MC 150937 (Sub-6-5TA), filed April 29, 1981. Applicant: R & R DISTRIBUTING, INC., 1355 Abbott St., Salinas, CA 93901. Representative: William J. Monheim, P.O. Box 1758, Whittier, CA 90609. *Such commodities as are dealt in by wholesale foodstuffs distributors*, from points in CA, ID, KS, MO, NJ, OR, SD, TX, UT, and WA, to Newport News, Norfolk, Richmond, and Virginia Beach, VA, for 270 days. Supporting shipper: Sandler Foods, 1224 Diamond Springs Rd., Virginia Beach, VA 23455.

MC 146865 (Sub-6-2TA), filed May 4, 1981. Applicant: REDDING LUMBER TRANSPORT, P.O. Box 3306, Redding, CA 96001. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Salt, Mineral Products and Salt Products* from UT to points in CA, OR, NV and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Utah Salt Company, Inc., 1935 South Main #307, Salt Lake City, UT 84115; Bucke's Feed & Grain, Inc., P.O. Box 518, Orland, CA 95963.

MC 147042 (Sub-6-1TA), filed April 30, 1981. Applicant: SEARS TRUCKING, INC., 1760 S. Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles*; (2) *Plastic cups and other plastic articles*; (3) *Bakery goods*; from Los Angeles County, CA to Las Vegas, and Sparks, NV, and within 10 miles of both destination points, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corporation, 2155 E. 7th St., Los Angeles, CA.

MC 146436 (Sub-6-2TA), filed May 1, 1981. Applicant: SIERRA HIGHLANDS, BUS CO., INC., 2015 E. Hammond, Fresno, CA 93703. Representative: O. L. "Bud" Johansen (same as above). *Passengers, and baggage of passengers, in the same vehicle in charters and special operations*. Between Fresno, Kings, Merced, Madera, and Mariposa Counties, CA. On the one hand, and, on the other hand, points in the U.S. including AK but excluding HI. For 180

days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are twenty-eight shippers. Their statements may be examined at the regional office listed.

MC 155533 (Sub-6-1TA), filed May 4, 1981. Applicant: SOUTHWEST BEEF EXPRESS, INC., 641 S. 91st Ave., Tolleson, AZ 85353. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Meat and meat byproducts*, from the facilities of Southwest Beef, Inc. at Tolleson, AZ to points in CA, and commodities dealt in by retail and wholesale grocery stores from points in CA to points in Maricopa County, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Southwest Beef, Inc., 641 S. 91st Ave., Tolleson, AZ 85353, and Associated Grocers, P.O. Box 20511, Phoenix, AZ 85038.

MC 136818 (Sub-6-30TA), filed April 30, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. (1) *Containers, containers closures, container components and packaging products*, (2) *scrap materials* (except in bulk, in tank vehicles and those requiring special equipment), and (3) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1), (except in bulk, in tank vehicles and those requiring special equipment), between points in the US, restricted to the transportation of traffic originating at or destined to the facilities of Lily Division of Owens-Illinois, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lily Division of Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43668.

MC 155046 (Sub-6-1TA), filed May 1, 1981. Applicant: CARL A. PRATT, SR., d.b.a. SUN DEVIL EXPRESS, 10828 S. Dobson, Chandler, AZ 85224. Representative: (Same address as applicant). *Contract Carrier, irregular routes: Sun screens for vehicles, mirror film for windows, raw material to process the above and related items*, between points in the States of AZ, CA, FL, IA, NY, NC, and VA for the account of Gila River Products for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gila River Products, 6615 W. Boston St., Chandler, AZ 85224.

MC 144956 (Sub-6-2TA), filed April 29, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, INC., 4427A 72nd Ave. S.E., Calgary, Alberta, CD T2C 2C1. Representative: James M. Christenson, 4444 IDS Center, 80 So. Eighth St.,

Minneapolis, MN 55402. (1) *Brick* from ports of entry on the International Boundary line between the U.S. and CD located in WA, ID and MT to points in AZ, CA, ID, MT, NV, OR, UT and WY for 270 days. An underlying ETA for 120 days (R6-3) was granted on April 17, 1981. Supporting shippers: 1-XL Industries, Ltd., 5440 Hollybridge Way Richmond, BC, CD, V7C 4N4; Westland Masonry Supply, Inc., 1650 Linda Vista Dr., San Marcos, CA 92069.

MC 119755 (Sub-6-4TA), filed May 4, 1981. Applicant: WEST-TRADE TRANSPORT, LTD., P.O. Box 2058, Vancouver, BC, CD, V6B 3S3. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier, irregular routes: General commodities* (except Class A and B explosives and hazardous wastes) originating at or destined to the facilities of American President Lines Ltd. and American President Lines Canada Ltd. between points on the US/Canada international boundary line located in WA, ID and MT on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, UT, NV and AZ for 270 days. Supporting shippers: American President Lines Ltd., 3225 E. Marginal Way S., Seattle, WA 98134 and American President Lines Canada Ltd., 1818-355 Burrard St., Vancouver, BC, CD V6C 2J1.

MC 153628 (Sub-6-2TA), filed April 29, 1981. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., S.W., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier, irregular routes: Lumber, lumber products and wood products* from the facilities of St. Regis Paper Company at or near Libby, MT to points in AL, AZ, AR, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MO, MA, MI, MN, MS, MD, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, UT, VA, WV, WI, WY and DC, for 270 days, restricted to traffic moving under a continuing contract or contracts with St. Regis Paper Company. Supporting shipper: St. Regis Paper Company, 1019 Pacific Ave., Tacoma, WA 98401.

MC 151681 (Sub-6-2TA), filed April 30, 1981. Applicant: WREDCO, INC., Country Club Rd., Gillette, WY 82716. Representative: William R. Wright II (same address as applicant). (1) *Petroleum and Petroleum Products*, in containers and advertising materials and articles distributed by wholesale or retail suppliers, marketers or distributors of Petroleum Products. From Tulsa, OK, to points in Big Horn, Campbell, Johnson, Natrona, Sheridan

and Washakie Counties, WY for 270 days. Supporting shipper: Northeastern Oil Company, Inc., Box 964, Gillette, WY 82716.

Agatha L. Mergenovich,  
Secretary.

[FPR Doc. 81-14330 Filed 5-12-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later 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. OPI-142

Decided: May 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 12801 (Sub-2), filed April 28, 1981. Applicant: CARL L. FRYE, 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 351-6227. As a broker of general commodities (except household goods), between points in the U.S.

MC 155570, filed April 29, 1981. Applicant: GRAND ENTERPRISES, INC., P.O. Box 10036, Springfield, MO 65808. Representative: H. J. Anderson, Rt. 4, Box 320, Rogersville, MO 65742, (417) 883-2055. As a broker of general commodities (except household goods), between points in the U.S.

MC 155660, filed April 29, 1981. Applicant: LABAY/SUMMERS INTERNATIONAL, INC., 1314 Texas Ave., 706 Great Southwest Bldg., Houston, TX 77002. Representative: Allen Labay (same address as applicant), (713) 237-9431. As a broker of general commodities (except household goods), between points in the U.S.

#### Volume No. OPY-2-067

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 155382, filed April 17, 1981. Applicant: TIM W. THUDIUM, Rte. 2, Box 77A, Bucklin, MO 64631. Representative: Tim W. Thudium (same address as applicant). Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

#### Volume No. OPY-4-122

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155576, filed April 29, 1981. Applicant: CONWELL CORPORATION, d.b.a. AM-CAN TRANSPORTATION BROKERAGE COMPANY, 3400 Stonewall Dr., Lancaster, TX 75751. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741-6263. As a broker of general commodities (except household goods), between points in the U.S.

#### Volume No. OPY-4-125

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155587, filed April 29, 1981. Applicant: KENNETH E. BENNETT, P.O. Box 287, Skyline Dr., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Dr., Columbus, IN 47201, (812) 379-2556. As a broker of general commodities (except household goods), between points in the U.S.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-14400 Filed 5-12-81; 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. OPI-141

Decided: May 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 33641 (Sub-165), filed April 30, 1981. Applicant: IML FREIGHT, INC.,

P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bressee (same address as applicant), (801) 972-7263. Transporting *such commodities as are dealt in or used by manufacturers and distributors of (1) outdoor recreational equipment, and (2) heating and air conditioning equipment*, between the facilities of Coleman Co., Inc., and its suppliers and dealers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 75471 (Sub-5), filed April 29, 1981. Applicant: ELSTON RICHARDS STORAGE COMPANY, a Corporation, 3739 Patterson SE, Grand Rapids, MI 49508. Representative: Edward Malinak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *furniture and fixtures, clocks, and appliances*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 110080 (Sub-6), filed April 29, 1981. Applicant: LENZ BROS., Box 278, Lansing, IA 52151. Representative: Roger C. Lenz (same address as applicant), (319) 538-4533. Transporting *construction materials, equipment, and supplies*, between points in the U.S., under continuing contract(s) with Brennan Construction Company of Lansing, IA.

MC 112391 (Sub-42), filed April 28, 1981. Applicant: HADLEY AUTO TRANSPORT, a corporation, P.O. Box 96, Pico Rivera, CA 90660. Representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264, (301) 861-4028. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volvo of America Corporation, of Rockleigh, NJ.

MC 118371 (Sub-16), filed May 1, 1981. Applicant: LIQUID CARGO LINES LIMITED, 452 Southdown Rd., Clarkson, Ontario, Canada L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962-8492. Transporting *liquid fabric softener*, between points in Brown and Rock Counties, WI, on the one hand, and, on the other, those ports of entry on the international boundary line between the U.S. and Canada in MI on the Detroit and St. Clair Rivers.

MC 118370 (Sub-10), filed April 30, 1981. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon

Ave., Tampa, FL 33612. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-8100. Transporting *such commodities as are dealt in by distributors of bananas*, between points in Charleston County, SC, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, MS, MO, IA, WI, MN, WV, IL, IN, OH, MI, PA, and TN.

MC 120981 (Sub-38), filed May 1, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *such commodities as are dealt in by publishing houses*, between Nashville, TN, on the one hand, and, on the other, points in Rapides Parish, LA.

MC 138960 (Sub-21), filed May 1, 1981. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *food and related products* (1) between points in IL, IN, LA, MI, MO, OH, and TX, on the one hand, and, on the other, points in FL and GA, and (2) between points in LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, IL, IN, KS, KY, MN, MO, MS, NC, NE, OH, OK, SC, TN, TX, VA, WI, and WV.

MC 143061 (Sub-14), filed April 27, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623-9106. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with filtrator Coffee Apparatus Company of Clifton, NJ.

MC 144121 (Sub-9), filed April 28, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Schott Distributing Co., Inc., of Rochester, MN.

MC 144740 (Sub-36), filed April 28, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daughtery (same address as applicant), (919) 652-2611. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ore-Ida Foods, Inc., of Boise, ID.

MC 145150 (Sub-20), filed May 1, 1981. Applicant: HAYNES TRANSPORT CO., INC., R.R. 2, Box 9, Salina, KS 67401.

Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *chemicals and related products*, between points in OK, KS, MO, IA, NE, TX, CO, and LA.

MC 147811 (Sub-8), filed April 30, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME. 04918.

Representative: Karl A. Johnson (same address as applicant), (207) 397-2757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. H. Shurtleff Co., of Portland, ME.

MC 149170 (Sub-23), filed April 30, 1981. Applicant: ACTION CARRIER, INC., P.O. Box 850, 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 150241, filed April 29, 1981. Applicant: JOHN E. BANCHICH, d.b.a. FULL HOUSE TAXI CO., 239 Lake Shore Drive, Port Clinton, OH 43452. Representative: John E. Banchich (same address as applicant), (419) 734-1314. Transporting *passengers*, in vehicles having a seating capacity of not more than 10 passengers, in special operations, beginning and ending at points in OH, and extending to points in MI, IN, and PA, under continuing contract(s) with Consolidated Rail Corporation, of Philadelphia, PA.

MC 151570 (Sub-2), filed April 29, 1981. Applicant: CLEARWATER TRUCKING, INC., P.O. Box 87, Salt Lake City, UT 84110. Representative: Robert L. Cope, Suite 501, 1730 M Street NW, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in UT and CO, on the one hand, and, on the other, points in AZ, NM, TX, CA, NV, UT, CO, OR, WA, WY, ID, and MT.

MC 152620 (Sub-4), filed April 28, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th Floor, Wilmington, DE 19801, (215) 985-8853. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Cyanamid Company of Wayne, NJ.

MC 152840, filed April 28, 1981. Applicant: PATRICIA AND JAMES

KEELER, d.b.a. P & J  
TRANSPORTATION CO., Route 295,  
Berkey, OH 43504. Representative:  
Donald G. Hichman, R.D. #1, Box 7,  
Union Springs, NY 13160, (315) 889-7252.  
Transporting *food and related products*,  
between points in OH, on the one hand,  
and, on the other, points in CT, DE, IL,  
IN, MD, MI, NJ, NY, PA, VA, WV, and  
DC.

MC 153971 (Sub-2), filed April 28,  
1981. Applicant: E-Z TRANS, INC., P.O.  
Box 841, Woodbury, CT 06798.  
Representative: Gerald A. Joseloff, 410  
Asylum St., Hartford, CT 06103, (203)  
728-0700. Transporting *general  
commodities* (except classes A and B  
explosives), between points in the U.S.,  
under continuing contract(s) with Kaiser  
aluminum & Chemical Corporation of  
Oakland, CA.

MC 154121 (Sub-7), filed April 28,  
1981. Applicant: TRAILINER CORP.,  
P.O. Box 357, Old Chester Rd.,  
Gladstone, NJ 07934. Representative:  
George A. Olsen, P.O. Box 357,  
Gladstone, NJ 07934, (201) 234-0301.  
Transporting *general commodities*  
(except classes A and B explosives),  
between the facilities used by Warner-  
Lambert Company, its subsidiaries,  
divisions, or vendors, in the U.S., on the  
one hand, and, on the other, points in  
the U.S.

MC 154221, filed April 28, 1981.  
Applicant: FISCHER OIL CO., a  
Corporation, 300 West 5th St.,  
Washington, MO 63090. Representative:  
Joseph E. Rebman, 314 North Broadway,  
13th Floor, St. Louis, Mo 63102, (314)  
421-0845. Transporting *petroleum,  
natural gas and their products*, between  
points in Madison County, IL, on the one  
hand, and, on the other, points in  
Jefferson, Franklin, Warren and St.  
Charles Counties, MO.

MC 154780 (Sub-2), filed April 28,  
1981. Applicant: ATLANTIC  
TRANSPORT SERVICE, INC., 1300  
South French Ave., Box 257, Sanford, FL  
32771. Representative: Kim D. Mann,  
7101 Wisconsin Ave., Suite 1010,  
Washington, DC 20014, (301) 986-1410.  
Transporting *general commodities*  
(except classes A and B explosives),  
between points in NC, on the one hand,  
and, on the other, points in the U.S.

MC 155141, filed April 30, 1981.  
Applicant: JAMES A. RUDOLPH, d.b.a.  
RUDOLPH EXPRESS, Route 1, St.  
Joseph, MN 56374. Representative: Val  
M. Higgins, 1600 TCF Tower, 121 So. 8th  
St., Minneapolis, MN 55402, (612) 333-  
1341. Transporting *food and related  
products*, between points in Stearns  
County, MN, on the one hand, and, on  
the other, those points in the U.S. in and  
east of ND, SD, NE, KS, OK, and TX.

MC 155550, filed April 24, 1981.  
Applicant: CENTRAL TRUCKING, INC.,  
P.O. Box 168, Columbus, IN 47201.  
Representative: Donald W. Smith, P.O.  
Box 40248, Indianapolis, IN 46240, (317)  
846-6655. Transporting *ores and  
minerals*, between points in the U.S.,  
under continuing contract(s) with Oxide  
& Chemical Corp., of Indianapolis, IN.

MC 155650, filed April 30, 1981.  
Applicant: SHELTON TRUCK &  
TRAILER SERVICE, INC., 1029 Channel  
Ave., Memphis, TN 38113.  
Representative: Michael F. Shelton  
(same address as applicant), (901) 774-  
4060. Transporting *forest products,  
lumber and wood products, rubber and  
plastic products, clay, concrete, glass or  
stone products, metal products,  
machinery, and transportation  
equipment*, between points in Shelby  
County, TN, on the one hand, and, on  
the other, points in the U.S.

MC 155690, filed April 30, 1981.  
Applicant: JACK COCHRAN  
TRUCKING, 1302 W. Broadway, Mt.  
Pleasant, MI 48858. Representative: Jack  
Cochran (same address as applicant),  
(517) 772-0839. Transporting *Mercer  
commodities*, between points in MI, on  
the one hand, and, on the other, points  
in IL, KY, OH, PA, and WV.

#### Volume No. OPY-2-068

Decided: May 6, 1981.

By the Commission, Review Board No. 1,  
Members Parker, Chandler, and Fortier.

MC 32122 (Sub-4), filed April 28, 1981.  
Applicant: PAZEN TRANSFER LINES,  
INC., P.O. Box 243, Waukau, WI 54980.  
Representative: Edward J. Gerrity, P.O.  
Box 914, Appleton, WI 54912, 1-(414)  
734-5608. Transporting *pulp, paper, and  
related products*, between points in  
Chester County, PA, on the one hand,  
and, on the other, points in IL, IN, IA,  
MN, OH, WI, and those in the Lower  
Peninsula of MI.

MC 52793 (Sub-69F), filed April 17,  
1981. Applicant: BEKINS VAN LINES  
CO., 3090 Via Mondo, Compton, CA  
90221. Representative: David P.  
Christianson, 707 Wilshire Blvd., Suite  
1800, Los Angeles, CA 90017, (213) 627-  
8471. Transporting *general commodities*  
(except classes A and B explosives),  
between points in the U.S.

Note.—Issuance of this certificate is  
subject to prior or coincidental cancellation  
of applicant's written request of all  
duplicating authority, including all Subs and  
dates of issuance.

MC 96992 (Sub-31), filed April 27,  
1981. Applicant: HIGHWAY PIPELINE  
TRUCKING CO., P.O. Box 1517,  
Edinburg, TX 78539. Representative:  
Kenneth R. Hoffman, P.O. Box 2165,  
Austin, TX 78768. Transporting (1)

*petroleum, natural gas and their  
products, and (2) chemicals and related  
products, between points in CA, NV,  
UT, AZ, CO, NM, KS, OK, TX, MO, IL,  
IN, KY, MI, OH, AR, LA, MS, AL, FL,  
GA, SC, NC, VA, WV, MD, TN, and DE.*  
Condition: Issuance of this certificate is  
subject to prior or coincidental  
cancellation of applicant's written  
request of MC-96992 Subs 13, 17, and 20,  
now pending certificates.

MC 104683 (Sub-54), filed April 23,  
1981. Applicant: TRANSPORT, INC.,  
P.O. Box 1524, Hattiesburg, MS 39401.  
Representative: Donald B. Morrison,  
P.O. Box 22628, Jackson, MS 39205.  
Transporting *commodities in bulk*, (1)  
between points in AL, FL, GA, LA, MS,  
SC, and TX, (2) between points in  
Escambia County, FL and points in TN,  
(3) between points in Jackson County,  
MS, on the one hand, and, on the other,  
points in NJ, OH, and PA, (4) between  
points in Forrest County, MS, on the one  
hand, and, on the other, Chicago, IL,  
Memphis, TN and points in Bergen  
County, NJ.

MC 116132 (Sub-8), filed April 28,  
1981. Applicant: NATIONAL TANK  
TRUCK DELIVERY, INC., 85 East Gay  
St., Columbus, OH 43215.  
Representative: Earl N. Merwin (same  
address as applicant), (614) 224-3161.  
Transporting *general commodities*  
(except classes A and B explosives),  
between points in the U.S., under  
continuing contract(s) with General  
Electric Company, of Louisville, KY.

MC 146402 (Sub-31), filed April 17,  
1981. Applicant: CONALCO  
CONTRACT CARRIER, INC., P.O. Box  
968, Jackson, TN 38301. Representative:  
Charles W. Teske (same address as  
applicant), (901) 423-2408. Transporting  
*such commodities as are dealt in or  
used by manufacturers and distributors  
of doors*, between Little Rock, AR, on  
the one hand, and, on the other, points  
in the U.S.

MC 146782 (Sub-50), filed April 27,  
1981. Applicant: ROBERTS CARRIER  
CORPORATION, 300 First Ave., South,  
Nashville, TN 37201. Representative:  
James Rex Raines, 300 First Ave., South,  
Nashville, TN 37201. Transporting  
*knocked down steel storage racks and  
stainless steel Nuclear storage racks*  
between points in Greenville County, SC  
on the one hand, and, on the other  
points in the U.S. in and East of ND, SD,  
NE, KS, OK, and TX.

MC 150093 (Sub-2), filed April 20,  
1981. Applicant: THE TOM DAVIS  
CORP., d.b.a. DAVIS LINES, 5335 N.W.  
111th Drive, Grimes, IA 50111.  
Representative: Richard D. Howe, 600  
Hubbell Bldg., Des Moines, IA 50309.

515-244-2329. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Crawford Sales Co., of Des Moines, IA.

MC 150093 (Sub-3), filed April 20, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 800 Hubbell Bldg., Des Moines, IA 50309. 515-244-2329. Transporting *metal products*, between points in the U.S., under continuing contract(s) with The Waldinger Corporation, of Des Moines, IA.

MC 150103 (Sub-14), filed April 20, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 118 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting *pulp, paper and related products and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Astro Packaging, Inc., of South Holland, IL.

MC 150163 (Sub-7), filed April 24, 1981. Applicant: HORWITH TRUCKS, INC., R.D. #1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, 215-357-7220. Transporting *coal and coal products*, between points in Berks, Chester, and Northumberland Counties, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, PA, NY, NJ, DE, MD, VA, RI, and DC.

MC 151012 (Sub-1), filed April 28, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfurt, KY 40602, (502) 223-8244. Transporting *general commodities* (except classes A and B explosives) between the facilities used by (a) Foremost-McKesson, (b) Gulf States Paper Corporation, (c) Fansteel, Inc., (d) Popeye Sign Company, (e) Metro Tool & Manufacturing Co., Inc., (f) Hospital Specialty Co., (g) Star Tool & Die Co., Inc., (h) American Can Co., (i) Marti Division Rauch Industries, Inc., (j) Rand McNally & Co., (k) Armco, Inc., and (l) Ajax-Magna Thermic, and their subsidiaries, at points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 152013 (Sub-2), filed April 27, 1981. Applicant: DISTRIBUTION CARRIER, INC., 2310 Grant Building, Pittsburgh, PA 15219. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A

and B explosives), between points in the U.S. in and east of MN, IA, MO, AR, LA and TX.

MC 155342, filed April 20, 1981. Applicant: G.W.D. EXPRESS, INC., P.O. Box 398, Pioneer, OH 43554. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *metal products*, between points in Williams County, OH, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 155442, filed April 22, 1981. Applicant: LARRY LOMAX, d.b.a. LOMAX LEASING COMPANY, Rte. 2, Palmyra, MO 63461. Representative: Richard S. Brownlee III, 235 East High St., Jefferson City, MO 65102, 314-638-8135. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fertilizer, between points in Lee County, IA, and Marion County, MO, on the one hand, and, on the other, points in IA, IL, and MO.

#### Volume No. OPY-4-121

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 91306 (Sub-41), filed April 30, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave. NE, Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW, Washington, DC 20005, (202) 347-9332. Transporting *food and related products*, between points in NY and PA, on the one hand, and, on the other, points in NC, SC, and GA.

MC 117956 (Sub-21), filed April 28, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Road SW, Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Verlite Co., of Tampa, FL, (2) SK Products Corporation, of Atlanta, GA, (3) U.S. Solar Corporation, of Hampton, FL, (4) Distribution Services of America, Inc., of Boston, MA, and (5) United Freight, Inc., of Morrow, GA.

MC 124306 (Sub-90), filed April 28, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729 Chapel Hill, NC 27514. Representative: Francis W. McInerny, Suite #502, 1000 16th Street NW, Washington, DC 20036, (202) 783-8131. Transporting *commodities in bulk*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 142126 (Sub-13), filed May 1, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Jiffy Packaging Corporation, of Somerset, NJ.

MC 143778 (Sub-23), filed April 29, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding SE, Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933 (517) 489-5724. Transporting *food and related products*, between points in Kenosha County, WI, Berrien County, MI, and Lake and Cook Counties, IL, on the one hand, and, on the other, points in AR, KS, MS, MO, NM, OK, TN, TX, MN, ND, and SD.

MC 146648 (Sub-144), filed April 29, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942-9116. Transporting *such commodities* as are dealt in or used by retail, department, catalogue sales, hardware, appliance, home improvement, drug and variety stores, between points in the U.S.

MC 146846 (Sub-145), filed April 29, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant), (205) 849-5403. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *textile mill products*, and (4) *metal products*, between points in the U.S.

MC 147636 (Sub-22), filed April 28, 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 *pet foods*, between points in Franklin County, OH and Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 147906 (Sub-5), filed April 28, 1981. Applicant: KOHN TRANSPORT INC., 4850 Southway SW, Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, between points in Cook County, IL, on the one hand, and, on the other, points in MI, MD, NJ, NY, and PA.

## Volume No. OPY-4-123

Decided: May 7, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143776 (Sub-22), filed April 28, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Avenue SE, Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253-9527. Transporting *paper and plastic products*, between the facilities of James River Corporation of Virginia and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144606 (Sub-19), filed April 28, 1981. Applicant: DUNCAN & SON LINES, INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 North 12th St., Phoenix, AZ 85014, (602) 241-0777. Transporting *pulp, paper and related products*, (1) between Denver, CO and Salt Lake City, UT and points in AZ and NM, and (2) between Albuquerque, NM and points in AZ.

MC 146486 (Sub-2), filed April 30, 1981. Applicant: GARY HARTMANN, d.b.a. FOREST PRODUCTS TRANSPORTATION, Plant & Taylor Rds., P.O. Box 857, Ukieah, CA 95482. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 988-5778. Transporting (1) *building materials*, (2) *forest products*, (3) *lumber and wood products*, and (4) *metal products*, between points in CA, WA, OR, NV, and ID.

MC 146616 (Sub-17), filed April 29, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583-9000. Transporting *oilfield production equipment*, between points in the U.S., under continuing contract(s) with Mustang Mfg. Company, Inc., of Tulsa, OK.

MC 146638 (Sub-7), filed May 1, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, a partnership, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-8781. Transporting *food and related products*, between the facilities of Armour Food Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149216 (Sub-3), filed April 28, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 87 Andrew St., Newton Highland, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109, (617)

523-2660. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Colonial Provision Co., Inc., and Agar Supply Co., Inc., both of Boston, MA, Parklane Foods, Inc., of Mt. Prospect, IL, and HRM Provisions, Inc., of Deerfield, IL.

MC 150596 (Sub-3), filed May 1, 1981. Applicant: ROBERT JAY SPENCER d.b.a. SPENCER BROS. TRUCKING, 212 Lincoln St., Lake Crystal, MN 56066. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927-8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of soaps, lotions, and cleansing agents, between points in Blue County, MN, on the one hand, and, on the other, points in the U.S.

MC 152406 (Sub-2), filed April 30, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Ave., Fort Worth, TX 76114. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76106, (817) 332-4718. Transporting *food and related products*, between points in Tarrant County, TX, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 153756, filed April 29, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, Hwy 34 and Reed St., Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001. Transporting *hazardous materials*, between the facilities of Waste Research and Reclamation Co., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154646 (Sub-5), filed May 1, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-8761. Transporting *such commodities* as are dealt in or used by building materials and home improvement dealers, between points in the U.S., under continuing contract(s) with Payless Cashways, Inc., of Kansas City, MO.

MC 155048 (Sub-1), filed May 1, 1981. Applicant: CARL A. PRATT, SR., d.b.a. SUN DEVIL EXPRESS, 10828 S. Dobson, Chandler, AZ 85224. Representative: Carl A. Pratt, Sr. (same address as

applicant), (602) 899-1202. Transporting (1) *rubber and plastic products* and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with Gila River Products of Chandler, AZ.

MC 155106, filed April 3, 1981, previously noticed in the *Federal Register* of April 20, 1981. Applicant: OLYMPIC VAN LINES, INC., 7214C Lockport Pl., Lorton, VA 22079. Representative: Stanley I. Goldman, 1700 K Street NW., Washington, DC 20006, (202) 833-8844. Transporting *household goods*, between Alexandria, Fairfax City, Falls Church, Fredericksburg, Harrisonburg, Manassas, and Winchester, VA, and points in Arlington, Fairfax, Prince William, Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, VA, Anne Arundel, Calvert, Charles, Howard, Montgomery, Prince Georges, and St. Marys Counties, MD, Grant, Hampshire, Hardy, Mineral, Pendleton, Pochahontas, Randolph, Tucker, and Webster Counties, WV, and DC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OH, PA, RI, SC, TN, VT, NC, VA, WV, WI, and DC.

Note.—The purpose of this republication is to correctly reflect the territorial description.

## Volume No. OPY-5-55

Decided: May 4, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2428 (Sub-38), filed April 22, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 468-0220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Austin Company, of Roselle, NJ.

MC 74809 (Sub-3), filed April 13, 1981. Applicant: JOHN E. MURRAY MOVING & STORAGE CO., INC., 88 Middle St., Geneva, NY 14458. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202, (315) 422-2384. Transporting (1) *food and related products*, between points in Ontario County, NY, on the one hand, and, on the other, points in NJ, NY, PA, CT, MA, MO, and VA; and (2) *household goods*, between points in Wayne, Ontario, Seneca, Yates, Cayuga, and Monroe Counties, NY, on the one hand, and, on

the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 101619 (Sub-11), filed April 22, 1981. Applicant: HOVER TRUCKING CO., P.O. Box 758, 1431 So. 11th St., Niles, MI 49120. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293-3597. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, points in Elkhart, Kosciusko, LaGrange, Marshall, Noble, La Porte, St. Joseph, and Starke counties, IN, and points in MI.

MC 126899 (Sub-140), filed April 16, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *such commodities* as are dealt in or used by wholesalers and distributors of malt beverages, (1) between Louisville, KY, on the one hand, and, on the other, points in Allegheny County, PA, Allen County, IN, Cuyahoga County, OH, and Bexar County, TX, (2) between Toledo, OH, on the one hand, and, on the other, St. Paul, MN, points in Allen County, IN, and (3) between points on Obion County, TN, on the one hand, and, on the other, Milwaukee, WI, Fort Worth, TX, Evansville, IN, and Newport, KY, points in Rockingham County, NC, and St. Clair County, IL.

MC 129219 (Sub-30), filed April 22, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, (503) 288-8141. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *metal products*, (4) *lumber and wood products*, (5) *machinery*, (6) *chemicals and related products*, and (7) *textile mill products*, between points in the U.S., under continuing contract with Blake Moffitt & Towne, division of Saxon Industries, Inc., of New York, NY.

MC 134978 (Sub-24), filed April 17, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, (803) 288-9300. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer, between points in GA, NC, and SC.

MC 141668 (Sub-3), filed April 16, 1981. Applicant: LONGMONT TRANSPORTATION COMPANY, INC.,

149 Kimbark St., Longmont, CO 80501. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1800 Sherman St., Denver, CO 80203, (303) 839-5856. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are used by laundry and dry cleaning businesses (except those described in (1) above), between points in the U.S., under continuing contract(s) with Katzen Brothers, Inc., of Denver, CO.

MC 142059 (Sub-169), filed April 17, 1981. Applicant: CARDINAL TRANSPORT, INC., 1803 Mound Road, Joliet, IL 60436. Representative: Fred H. Daly, 2550 M St., NW, Suite 475, Washington, DC 20037, (202) 293-3204. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of metal products, between points in Queens and Nassau Counties, NY, and Morgan County, AL, on the one hand, and, on the other, points in the U.S.

MC 150898 (Sub-52), filed April 24, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212-466-0220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Marubeni America Corp., of New York, NY.

MC 150999 (Sub-3), filed April 23, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montazuma, IA 50171. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and related products*, between points in Tama County, IA, on the one hand, and, on the other, points in the U.S.

MC 151069, filed April 22, 1981. Applicant: AWC, INC., 3864 S. Highland Drive, Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting *radioactive materials* between points in the U.S.

MC 151329 (Sub-2), filed April 23, 1981. Applicant: MID WEST STORAGE & TRANSPORTATION, INC., 20950 MacArthur Rd., Warren, MI 48089. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474-6883. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Raritan River Steel Company, of Perth Amboy, NJ.

MC 153628, filed April 24, 1981. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., SW.,

Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1800 Sherman St., Denver, CO 80203, 303-839-5856. Transporting (1) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Prentice Lumber Co., Inc., and Louisiana-Pacific Corporation, both of Portland, OR, and St. Regis Paper Company, of Tacoma, WA; and (2) *pulp, paper, and related products*, and (3) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 153889, filed April 22, 1981. Applicant: ST FREIGHT SYSTEMS, INC., One California St., San Francisco, CA 94111. Representative: Charles A. Webb, Suite 1111, 1828 L Street, N.W., Washington, DC 20036, 202-296-2929. Transporting *general commodities* (except used household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with Cost-Plus, Inc., of San Francisco, CA.

MC 153929, filed April 24, 1981. Applicant: MONROE LEASING, INC., 3434 Akron-Cleveland Rd., Cuyahoga Falls, OH 44223. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, 614-228-8575. Transporting *chemicals* between points in the U.S., under continuing contract(s) with Go-Jo Industries, Inc., of Akron, OH.

MC 154518, filed April 23, 1981. Applicant: STEVE LUEHRS, d.b.a. TRIPLE J TRUCKING, Route 2, Norfolk, NE 68701. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402-488-4841. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Norfolk Iron & Metal Company, of Norfolk, NE.

MC 154628, filed April 22, 1981. Applicant: R & R, INC., 2882 W. Lk. Sammamish Pkwy. NE, Redmond, WA 98052. Representative: Boyd Hartman, P.O. Box 3841, Bellevue, WA 98009, 206-453-0312. Transporting *general commodities*, between points in the U.S. under continuing contract(s) with Bostrum-Warren, Inc. of Seattle, WA.

MC 155469, filed April 23, 1981. Applicant: WILES TRANSPORT COMPANY, LIMITED, 42 Bond St., Orillia, Ontario, CN L3V 1J5. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212-466-0220. Transporting *transportation equipment*, between ports of entry on the international boundary line between the United

States and Canada on the one hand, and, on the other, points in WI, IL, IN, MI, OH, PA, NJ, and MA.

#### Volume No. OPY-5-56

Decided: May 6, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1239 (Sub-12), filed April 24, 1981. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, OH 43952. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202-783-7900. Transporting (1) metal products, (2) clay, concrete, glass and stone products, (3) building materials, between points in the U.S. under continuing contract(s) with Harbison-Walker Refractories Division of Dresser Industries, Inc., of Pittsburgh, PA and Kaiser Aluminum & Chemical Corporation of Oakland, CA.

MC 31389 (Sub-328), filed April 28, 1981. Applicant: MCLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), 919-721-2000. Over regular routes, transporting general commodities (except classes A and B explosives), serving Crockett, TX, as an off-route point in connection with applicants existing regular-route authority.

MC 89369 (Sub-24), filed April 24, 1981. Applicant: JOART TRUCKING COMPANY, P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, 201-575-7700. Transporting commodities in bulk, between points in NJ, Onondaga County, NY and New Castle County, DE on the one hand, and, on the other, points in VT, ME, NH, WV, OH, and NC.

MC 112539 (Sub-22), filed April 24, 1981. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazelton, PA 18201. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting metal products, machinery, between points in Luzerne County, PA on the one hand, and, on the other, points in the U.S.

MC 112989 (Sub-140), filed April 28, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), 503-747-1283. Transporting metal products, between the facilities of A & K Railroad Materials, Inc. at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 113528 (Sub-56), filed April 16, 1981. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL

36633. Representative: Joy Stephenson (same address as applicant), (205) 478-4890. Over regular routes, transporting general commodities (except classes A and B explosives), (1) between Asheville, NC, and Dallas, TX, serving the off-route points of Tyler, Evadale, Jacksonville, and Nacogdoches, TX, from Asheville over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, and return over the same route; (2) between Lebanon, TN, and Nashville, TN, from Lebanon over U.S. Hwy 231 to junction U.S. Hwy 31E near Bethpage, TN, then over U.S. Hwy 31E to Nashville, and return over the same route; (3) between New Orleans, LA, and Memphis, TN, from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 55 at or near La Place, LA, then over Interstate Hwy 55 to Memphis, and return over the same route; (4) between Birmingham, AL, and Memphis, TN, over U.S. Hwy 78; (5) between Birmingham, AL, and Nashville, TN, over Interstate Hwy 65; (6) between Atlanta, GA, and Nashville, TN, from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (7) between Charlotte, NC, and Gainesville, FL, from Charlotte over U.S. Hwy 21 to junction U.S. Hwy 321 at Columbia, SC, then over U.S. Hwy 321 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction Interstate Hwy 95 at or near Brunswick, GA, then over Interstate Hwy 95 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction FL Hwy 24, then over FL Hwy 24 to Gainesville, and return over the same route; (8) between Atlanta, GA, and Jacksonville, FL, from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, and return over the same route; (9) between Charleston, SC, and Selma, AL, from Charleston over U.S. Hwy 17 to junction Interstate Hwy 95 at or near Pocatello, SC, then over Interstate Hwy 95 to junction U.S. Hwy 17 at or near Hardeeville, SC, then over U.S. Hwy 17 to junction Interstate Hwy 16, then over Interstate Hwy 16 to junction U.S. Hwy 80 at or near Macon, GA, then over U.S. Hwy 80 to Selma, and return over the same route; (10) serving in routes (1) through (9) above points in MS, TN, and GA, and points in AL on and north of U.S. Hwy 278 as off-route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 113658 (Sub-52), filed April 27, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City,

CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW, Washington, D.C. 20036, (202) 223-5900. Transporting such commodities as are dealt in or used by manufacturers and distributors of toilet preparations and health and beauty care products, between points in Will County, IL, on the one hand, and, on the other, points in Polk County, IA, Sarpy and Douglas Counties, NE, and Jefferson, Arapahoe, Adams, Elbert, and Denver Counties, CO.

MC 120909 (Sub-5), filed April 22, 1981. Applicant: MIDDLE AMERICAN EXPRESS, INC., 11 Indianapolis Blvd., Schererville, IN 46375. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 829-2900. Transporting general commodities (except classes A and B explosives), between points in McHenry, Lake, Kane, Cook, DuPage, Kendall, Will, Grundy and Kankakee Counties, IL, and Lake, LaPorte and Porter Counties, IN, on the one hand, and, on the other, points in Madison, St. Clair and Monroe Counties, IL, and St. Charles and St. Louis Counties, MO and St. Louis, MO.

MC 124879 (Sub-135), filed April 27, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant), (801) 972-2712. Transporting lumber and wood products between points in the U.S.

MC 139858 (Sub-35), filed April 28, 1981. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St. NW, Washington, D.C. 20006, (202) 337-6500. Transporting general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dunlop Tire and Rubber Corporation, of Buffalo, NY.

MC 143209 (Sub-17), filed April 27, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Houston, TX 77024, (713) 688-6110. Transporting metal products, between points in Cass County, TX, on the one hand, and, on the other, points in the U.S.

MC 143209 (Sub-18), filed April 28, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Houston, TX 77024, (713) 688-6110. Transporting (1) "Mercer" and (2) earth drilling commodities, between points in the U.S.

MC 144169 (Sub-15), filed April 28, 1981. Applicant: CORPORATE TRANSPORT, INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, 914-835-4411. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Dayton Press, Inc., of Dayton, OH.

MC 144969 (Sub-32), filed April 24, 1981. Applicant: WHEATON CARTAGE COMPANY, Wheaton Ave., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr. (same address as applicant), 609-825-1400, ext. 2414. Transporting (1) *farm products* and (2) *food and related products* between the facilities used by McCormick & Company, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146148 (Sub-17), filed April 23, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *general commodities*, between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS and LA on the one hand, and, on the other, points in the U.S.

MC 147259 (Sub-14), filed April 20, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam Rd., South Holland, IL 60473, (312) 596-9200. Transporting *pulp, paper and related products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 147669 (Sub-3), filed April 21, 1981. Applicant: McNITT PRODUCE, INC., 8236 Amelia Drive, Jenison, MI 49428. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, 616-459-8311. Transporting *farm products* between points in the U.S., under continuing contract(s) with Top Distributing Company, of Grand Rapids, MI.

MC 150509 (Sub-3), filed April 28, 1981. Applicant: BULLET EXPRESS, INC., 5800 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant), 212-492-7332. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hancor, Inc., of Hallettsville, TX.

MC 150578 (Sub-17), filed April 20, 1981. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302,

Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), 214-681-0454. Transporting *food and related products* between Philadelphia, PA points in Montgomery, Lehigh, and Wyoming Counties, PA, Portland, OR, Points in Yamhill County, OR, San Jose, San Francisco, and Los Angeles, CA, points in Shelby County, TN, Atlanta, GA, points in Camden County, NJ, points in Ottawa County, MI, Syracuse, NY, Tampa, FL, Dallas, TX, points in Cook County, IL, and points in Jefferson, Boulder, Adams, Arapahoe, Douglas, and Elbert Counties, CO, on the one hand, and, on the other, points in the U.S.

MC 151098 (Sub-2), filed April 27, 1981. Applicant: JEN-CHARTER, INC., 4 Gravin St., Coram, NY 11727. Representative: Deborah Laper (same address as applicant), 516-928-2009. Transporting *Coal and coal products*, between points in the U.S., under continuing contract(s) with Falk Coal & Oil, Inc., of St. James, NY.

MC 153479, filed April 28, 1981. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., Box 1866, Route 2, Wheelersburg, OH 45694. Representative: Stephen C. Fitch, 155 East Broad St., Columbus OH 43215, 614-461-1337. Transporting *coal and coal products* between points in the U.S., under continuing contract(s) with Island Creek Coal Sales Company of Lexington, KY.

MC 153748, filed April 24, 1981. Applicant: DANDY TRUCKING, INC., 1035 Donnelly Ave. SW., Atlanta, GA 30310. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, 402-753-4101. Transporting *food and related products*, between points in AL, FL, GA, NC and SC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 155438, filed April 22, 1981. Applicant: PAUL D. CHURCH & IRENE A. CHURCH, a corporation d.b.a. CHURCH TRUCKING, INC., 10993 SE McLoughlin Blvd. Milwaukie, OR 97222. Representative: Paul D. Church, 3126 SE Washington St., Milwaukie, OR 97222, 503-654-1821. Transporting *machinery*, between points in Multnomah and Washington Counties, OR on the one hand, and, on the other, points in WA.

MC 155468, filed April 23, 1981. Applicant: M AND M TRUCKING, INC., P.O. Box 9109, Stockton, CA 95206. Representative: Arden Ries, 4509 Pacific Ave., Suite "A", Stockton, CA 95207, 209-957-6128. Transporting (1) *food and related products*, between points in AZ, CA, NV, OR and WA. (2) *chemicals and related products*.

between points in CA on the one hand, and on the other, points in OR and WA. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-14401 Filed 5-12-81; 8:45 am]  
BILLING CODE 7035-01-M

#### **Motor Carrier Temporary Authority Application: Notice Republication; Correction**

The purpose of this republication is to show the commodity which was omitted in the first publication and the corrected MC number.

The following application was filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106. Agatha L. Mergenovich, Secretary.

Originally Published in Federal Register of February 18, 1981

MC 153344 (Sub-II-1TA), filed January 27, 1981. Applicant: ZEIGLER'S LIQUID WASTE MANAGEMENT, INC., P.O. Box 1943, 700 N. Hartley St., York, PA 17405. Representative: Jon Yinger (same address as applicant). *Hazardous wastes and sludges*, from York, PA to Glen Burnie and Essex, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Liquacon, 1600 Pennsylvania Ave., York, PA 17404; AMF, Eden Rd., York, PA; GTE Products Corp., 1128 Roosevelt Ave., York, PA.

[FR Doc. 81-14398 Filed 5-12-81; 8:45 am]  
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 78]

#### **Motor Carriers; Restriction Removals; Decision-Notice**

Decided: May 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

**Findings**

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

**Agatha L. Mergenovich,**  
Secretary.

MC 1756 (Sub-33)X, filed April 23, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 1, 4, 10, 11, 18, 21, 23, 27, 29, 30 and 32, to (A) broaden the commodity descriptions to (1) "food and related products" from wine, in Sub-No. 4, (2) "lumber and wood products, rubber and plastic products, metal products, clay, concrete, glass or stone products, and pulp, paper and related products" from (a) empty containers in Sub-No. 10, (b) containers in Sub-No. 11, (c) empty containers and container ends in Sub-No. 18, (d) containers and container closures in Sub-No. 30, and (e) containers in Sub-No. 32, (B) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities with the usual exceptions in lead and Sub-No. 27, (C) broaden the commodity description to "general commodities" from general commodities moving on commercial air line or air express bills of lading and having either an immediately prior or immediately subsequent movement by air, in Sub-No. 1, (D) broaden the commodity description to "clay, concrete, glass or stone products" from glass bottles, in Sub-No. 11, (E) broaden the commodity description tin cans and enclosures in Sub-No. 21, metal containers and enclosures in Sub-No. 23, empty metal containers and container ends in Sub-No. 29 to "metal products," (F) eliminate the restriction, "in containers," in Sub-No. 4, "except in bulk," in Sub-Nos. 18, 30 and 32 and "against the transportation of glass containers from Elmira, NY and Wharton, NJ and their commercial zones to Fogelsville, PA" in

Sub-No. 30, "except in bulk and steel in coil form," in Sub-No. 32, and the restriction limiting service to transportation "originating at or destined to" points in the involved states in Sub-No. 32, (G) change one-way authority to two-way radial authority between various points located primarily in eastern States in Sub-Nos. 11, 18, 21, 23, 27 and 29, (H) eliminate references to named airport facilities in Sub-No. 1 and change to named cities at Newark and Teterboro, NJ, remove facilities limitations in Sub-No. 4, 11, 18, 23, and 29, (I) authorize county wide service in lieu of city wide service in Sub-Nos. 10, 11, 18, 21, 27 and 30; Fairfield County, CT for Danbury, CT; Passaic County, NJ for Paterson, NJ in Sub-No. 11 only; Cumberland County, NJ for Millville, NJ; Westerchester, Orange, Suffolk, Schenectady and Oneida Counties, NY for Elmsfords, Newburgh, Patchogue, Scotia and Utica, NY; Union and Middlesex Counties, NJ for Hillside and Edison, NJ; Providence County, RI for Cranston, RI, Orange County, NY for Tuxedo, NY, Monmouth and Ocean Counties, NJ for Eastontown and Lakewood, NJ; Middlesex County, NJ for New Brunswick, NJ and Edison Township, NJ, Lehigh County, PA for Fogelsville, PA and (K) eliminate restriction against transportation from Oil City, PA; and against service from Edison, NJ to points in Johnstown Commercial Zone and from Points in Harrisburg, PA Commercial Zone to Hillside, NJ.

MC 48219 (Sub-22)X, filed April 23, 1981. Applicant: STERNBERGER MOTOR CORP., 45-55 Pearson Street, Long Island City, NY 11101. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW, Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 8, 13 and 20 and E-13, E-17, E-18, E-20, E-21, E-23, E-27, E-31, E-32, E-46, E-51, and E-52 letter notices (retained in MC-F-13680) to (1) broaden the commodity descriptions from (a) in the lead, Sub-Nos. 6 and 20 and E-13, E-17, E-18, E-21 and E-23, new furniture crated and uncrated and new household furnishings, new furniture, uncrated, furniture, new household furnishings, uncrated or crated (when moving in the same vehicle as crated) to "furniture and fixtures"; (b) in Sub-No. 5, uncrated household goods to "household goods"; (c) in Sub-No. 8, curtain wallpanels, uncrated, rough pine blocks and veneer, millwork, hardware and mechanics hand tools, veneer and plywood, loose, particle board, plywood, plywood specialties and doors to "lumber and

wood products and metal products," and from wood finishing supplies and materials to "chemicals and related products"; (2) in Sub-No. 8, remove all exceptions in the general commodities description except classes A and B explosives; (3) in Sub-No. 13, remove the "except commodities in bulk" restriction; (4) in Sub-No. 8, remove the restriction limiting service to the transportation of specified commodities in the same vehicle and at the same time, (5) authorize service at all intermediate points on its regular route between Jamestown, NY and New York, NY, in Sub-No. 8; (6) delete the restriction prohibiting service to points in the Washington, DC commercial zone, in Sub-No. 13 part (b); (7) authorize county-wide authority to replace existing facilities and/or city-wide services: Essex County, NJ, for Newark, NJ, in the lead certificate and E-23; Passaic County, NJ, for Paterson, NJ, Camden and Mercer Counties, NJ, for Camden and Trenton, NJ, and New Castle County, DE for Wilmington, DE, in Sub-No. 8; Chautauqua, Erie, and Cattaraugus Counties, NY, for Jamestown, Falconer, Buffalo, Salamanca, Randolph, Fredonia, Celeron, Lakewood, Mayville and Brockton, NY, Lackawanna and North Hampton Counties, PA, for Scranton and Easton, PA, and Hudson County, NJ, for Jersey City, NJ, in Sub-No. 8; Fairfax, VA, for Tyson's Corner, VA, in Sub-No. 13; and (8) authorize radial authority to replace existing one-way service between points in various combinations of primarily eastern and southern States, in the lead and Sub-Nos. 6, 8, 13, E-13, E-17, E-18, E-20, E-21, E-23, E-46, E-51, and E-52.

MC 75840 (Sub-161)X, filed April 16, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE, Atlanta, GA 30326. Applicant seeks to remove restrictions from its lead certificate which authorizes the transportation, over both regular and irregular routes, of general and specified commodities between points in AL, AR, CT, DE, GA, LA, MD, MA, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC to: (1) under its regular route authority (part A) remove all exceptions from its general commodities authority except classes A and B explosives and classes A and B explosives (other than those moving on government bills of lading) (2) expand its one-way to two-way authority between Nashville, TN and Florence, AL; between Tuscaloosa, AL and Atlanta, GA; between Atlanta, GA and Tuscaloosa, AL; between

Florence, AL and Lawrenceburg, TN; (3) authorize service at all intermediate points on the following regular routes: between Anniston, AL and Opelika, AL; between Roanoke, AL and Rock Mills, AL; between Nashville, TN and Florence, AL; between Huntsville, AL and Oneonta, AL; between Chattanooga, TN and Chickamanga, GA and Tuscaloosa, AL; between Florence, AL and Lawrenceburg, TN; between Sheffield, AL and the site of Reynolds Aluminum Plant near Lister, AL; (4) eliminate weight restrictions against service at intermediate points on its regular routes between Anniston, AL and Opelika, AL; between Chattanooga, TN and Chickamanga, GA; (5) eliminate restrictions against service at specified points on its regular routes; (6) eliminate directional restrictions on its regular routes such as pick-up and delivery of northbound traffic moving to Huntsville; (7) broaden the commodity description from cotton piece goods to "textile mill products"; paper mill products to "pulp, paper and related products"; sulphate of alumina to "chemicals and related products"; groceries to "food and related products"; under its irregular-route portion (part B) broaden the specified commodity descriptions as follows: from lumber and agricultural commodities to "lumber and wood products and agricultural commodities"; from finished and unfinished textile, textile-mill machinery and parts thereof, and textile-mill supplies to "textile mill products, machinery, and textile mill supplies"; from twine, machinery, plumbing supplies, building materials, cottonseed, and cotton linters to "textile mill products, machinery, metal products, building materials, farm products, and, food and related products"; from bags and bagging to "pulp, paper and related products and textile mill products"; from steel, seeds, soap, and shortening compounds to "metal products, farm products, chemicals and related products and food and related products"; from cotton, linters, and livestock to "farm products and textile mill products"; from steel tanks to "metal products"; from linters, tire fabrics, tire cord, hose cord, belt fabric, cotton yarn, cotton yarn or yarn of cotton and celanese mixed, and cotton piece goods and cotton yarn to "textile mill products"; from tires to "rubber and plastic products"; from machinery and castings to "machinery and metal products"; from iron and steel articles to "metal products"; from stores to "metal products"; from new furniture to "furniture and fixtures"; from floor coverings to "miscellaneous products of manufacturing"; from flavoring syrup, in

barrels to "food and related products"; from marble to "clay, concrete, glass or stone products"; from aluminum and aluminum products to "metal products"; and remove all exceptions from its general commodities authority "except classes A and B explosives" and "except classes A and B explosives (other than those moving on government bills of lading)"; under its irregular-route portion (part C) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities except classes A and B explosives"; from lumber, twine, machinery, plumbing supplies, building materials, bags, bagging, steel, seeds, soap, shortening compounds, cotton linters, and steel tanks to "lumber and wood products, textile mill products, machinery, metal products, building materials, pulp, paper and related products, metal products, farm products, chemicals and related products, and food and related products"; from iron and steel articles to "metal products"; from aluminum and aluminum products to "metal products" (8) under its irregular route portion (part B), expand specific point authority to county-wide authority as follows: Decatur to Morgan County, AL; Camp Joseph T. Robinson and Pine Bluff Municipal Airport to Pulaski County, AR; Picayune, Natchez, Crystal Springs, Okolona, and McComb to Pearl River, Adams, Copiah, Chickasaw, and Pike Counties, MS; Thomaston to Upson County, GA, Boylston to Montgomery County, AL and Conshohocken to Montgomery County, PA; Hudson, Lenoir, and Valmead to Caldwell County, NC, Highstown, Mount Holly and Riverside to Mercer and Burlington Counties, NJ, Chester, Philadelphia, Lebanon, and Reading, to Delaware, Philadelphia, Lebanon and Berks Counties, PA, Rome to Oneida County, NY; Valdese to Burke County, NC, Auburn, Beyertown, Hanburg, Kutztown, Landingsville, Macungie, Mohnton, Nazareth, Orwigsburg, Pottsville, Reading, and Stow, to Montgomery, Berks, Schuylkill, Lehigh, and North Hampton Counties, PA; Birmingham, Sylacauga, and Sycamore to Jefferson and Talladega Counties, AL; Conshohocken to Montgomery County, PA; Birmingham to Jefferson County, PA; Bassett and Martinsville to Henry County, VA and Birmingham to Jefferson County, AL; Kearny and Somerville to Hudson and Somerset Counties, NJ and Lancaster and Marcus Hook to Lancaster and Delaware Counties, PA, Birmingham to Jefferson County, AL; Birmingham to Jefferson County, AL; Gantts Quarry to Talladega County, AL; Listerhill and

Sheffield to Colbert County, AL; (9) under its irregular route portions (part B and C) expand its one-way authority to radial authority between named counties or specified points and States in the eastern US.

MC 76706 (Sub-94)X, filed April 24, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3F, 7F, 12F, 21F, 24F, 36F, 39F, 42F, 62F, 63F, 71F, 72F, 75F, 76F, 77F, 79F, 81F, and 86F certificates to (1) broaden the commodity descriptions from (a) rubber articles, plastic articles, and rubber products, and plastic products, laminated sheet plastic, and tires to "rubber and plastic products" in Sub-Nos. 3F, 7F, and 62F; (b) chemicals, plastics, and plastic articles to "chemicals and related products and rubber and plastic products" in Sub-No. 12F; (c) copper chemicals, chemicals and proprietary antifreeze, in containers, liquid plastic, synthetic lubricating oils and cleaning compounds, and titanium and titanium materials to "chemicals and related products," in Sub-Nos. 21F, 36F, 39F, 63F, 75F, 77F and 86F; (d) glass products and clay and clay products to "clay, concrete, glass or stone products", metal products to "metal products", plastic products to "rubber and plastic products", feldspar and talc to "ores and minerals", and molds and machinery used in the manufacture of glass products, and bottle coating systems to "machinery" in Sub-Nos. 24F and 71F; (e) plastic articles and burlap articles to "rubber and plastic products and textile mill products" in Sub-No. 42F; (f) wheels and tires to "transportation equipment and rubber and plastic products" in Sub-No. 79F; and (g) feldspar and talc products to "ores and minerals" in Sub-No. 81F (part E); (2) remove the in bulk commodity description restrictions in Sub-Nos. 3F, 12F, 21F, 24F, 36F, 63F, 71F, 72F, 75F, 76F, and 77F; and in tank vehicles in Sub-No. 72F; (3) eliminate the facilities limitations in Sub-Nos. 3F, 7F, 12F, 21F, 24F, 36F, 39F, 42F, 62F, 63F, 71F, 72F, 75F, 76F, 79F, and 81F; (4) expand city to county-wide authority from (a) Irving to Dallas County, TX in Sub-No. 3F; (b) Temple to Bell County, TX, in Sub-No. 7F; (c) Mankato to Blue Earth County, MN, Neward to Licking County, OH, Clinton to Worcester County, MA, Morris to Grundy County, IL, and Mapleton to Peoria County, IL, in Sub-No. 12F; (d) Flat River to St. Francois County, MO, in Sub-No. 24F; (e) Austin to Travis County, TX, in Sub-Nos. 36F, 39F, and 63F; (f) Youens and Port

Neches to Montgomery and Jefferson County, TX, in Sub-No. 39F; (g) Waco to McLennan County, TX, in Sub-No. 62F; (h) Centralia to Marion County, IL, in Sub-No. 71F; (i) Des Plaines to Cook County, IL, in Sub-No. 72F; (j) Bayonne and Bayway to Hudson and Union Counties, NJ, Baton Rouge to East Baton Rouge Parish, LA, Baytown to Harris County, TX, and Pittsburgh to Allegheny County, PA, in Sub-No. 75F; (k) Union City to Alameda County, CA, in Sub-No. 77F; (l) Glendale to Los Angeles County, CA, in Sub-No. 79F; and (m) Springfield to Washington County, KY, in Sub-No. 81F; (5) change one-way authority to radial authority between points throughout the U.S.; (6) remove the restrictions "AK and HI" in Sub-Nos. 3F, 12F, 21F, 24F, 39F, 42F, 71F, 72F, 75F, 76F, and 81F; and "originating at or destined to" in Sub-Nos. 21F and 75F.

MC 100439 (Sub-12)X, filed April 24, 1981. Applicant: DAVID W. HASSSLER, INC., R.D. 8, York, PA 17403. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street NW, Washington, DC 20005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8F and 10F certificates to (A) broaden the commodity descriptions to (1) "commodities in bulk" from (a) industrial asphalt in the irregular route portion of the lead certificate, and (b) materials and supplies used in the treatment of waste, in bulk, in Sub-No. 10F, and (2) "clay, concrete, glass, or stone products" from (a) limestone, limestone products and agricultural limestone, in bulk, in Sub-No. 7, and (b) lime, limestone and limestone products, in Sub-No. 8F; (B) eliminate the plantsite restriction at Thomasville, PA, in Sub-No. 7 part (3); (C) eliminate the "in tank trucks" restriction, in the regular route portion of the lead certificate; (D) authorize county-wide authority to replace existing city-wide service: York County, PA, for (1) York, PA, in irregular route portion of the lead certificate, (2) West Manchester, PA, in Sub-No. 8F; and (E) replace existing one-way service with (a) radial authority between York County, PA, and points in 5 northeastern States, in the irregular route portion of the lead and Sub-Nos. 7 and 8F, and (b) two-way authority between Baltimore, MD, and York, PA, in the regular route portion of the lead certificate.

MC 107162 (Sub-81)X, filed April 22, 1981. Applicant: NOBLEE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Applicant seeks to remove restrictions in Certificate No. MC-107162 Sub-Nos. 1, 34, 37, 41, 42, 46, 47, 49, 51F, 55, 62F, 63F,

66F, 67, 68, 69, 70, 71, 72, 73, 74F, 77, and E8, and E9 letter notices to (1) broaden the commodity description in Sub-No. 1, from lumber, rough lumber, lumber (except flooring, plywood, veneer, paneling, dimension stock, furniture stock, or built-up wood), hardwood flooring systems, hardwood flooring, and accessories and supplies, wood fencing, post, accessories used in the installation thereof, cinder blocks, concrete block, and brick to "construction materials," from logs, evergreens, pulp wood, and wooden posts, pilings and spars, to "forest products," from lumber, lumber products, and treated wood products, to "lumber and wood products," from dry asphalt and black topping material, in bulk, to "commodities in bulk," from agricultural lime and lime products, mineral feed, and animal poultry feed and feed ingredients to "such commodities as are dealt in by feed and agricultural products distributors," from fertilizer, fertilizer ingredients, and chemicals used in the manufacture of fertilizer to "chemicals and related products," from malt beverages to "food and related products," from mined rock to "ores and minerals," in Sub-No. 34, from plywood, veneer sheets or board, wood paneling, hardboard, construction board, and wood particleboard to "construction materials," in Sub-No. 37, from salt and salt products to "ores and minerals," in Sub-No. 41, from malt beverages to "food and related products" and from salt to "ores and minerals," in Sub-No. 42, from hardwood flooring and systems to "construction materials," in Sub-No. 46, from lumber to "construction materials," in Sub-No. 47, from wood chips to "forest products," in Sub-No. 49, from construction board to "construction materials," in Sub-No. 51F, from iron and steel articles and steel casings and pipe to "metal products," in Sub-No. 55, from lumber, and lumber products to "lumber and wood products," and from building and insulating materials (except iron and steel articles and commodities in bulk) to "construction materials," in Sub-No. 62F, from lumber to "lumber and wood products," from fabricated metal products to "metal products," and from fertilizer and chemicals used in the manufacture of fertilizer to "chemicals and related products," in Sub-No. 63F, from non-alcoholic beverages to "food and related products," in Sub-No. 67F, from lumber and lumber products to "lumber and wood products," in Sub-No. 68F, from lumber and lumber products, wood products, and waferboard to "lumber and wood products" and "construction

materials;" in Sub-No. 69F, from lumber to "lumber and wood products;" in Sub-No. 70F from dry-mixed concrete and tar emulsion sealer to "construction materials;" in Sub-No. 71F, from steel tube to "metal products;" in Sub-No. 72F, from iron and steel article to "metal products;" in Sub-No. 73F, from building and insulating materials (except iron and steel articles) to "construction materials;" in Sub-No. 74F, from compressed sawdust logs to "lumber and wood products;" and in letter notices E8 and E9 from lumber to "lumber and wood products;" (2) remove the "in bulk" restriction in Sub-Nos. 1, 37, 41, 55, 62F, 63F, and 70F; (3) remove plantsite limitations (a) in Sub-No. 1 and replace Ishpeming, MI and White Lake, WI with Marquette County, MI and Oakland County, WI; Dollar Bay, MI with Houghton County, MI; Alpena, MI with Alpena County, MI; and Green Bay, WI with Brown County, WI, (b) in Sub-No. 34, part (2) and replace Oshkosh, WI with Winnebago County, WI, (c) in Sub-No. 42 and replace Amasa, MI with Iron County, MI, (d) in Sub-No. 51F and replace Dafta, MI with Chippewa County, MI, (e) in Sub-No. 55, and (f) in Sub-No. 71F and replace Union, MO with Franklin County, MO, (4) replace city with county-wide authority (a) in Sub-No. 1, from Laramie, WY to Albany County, WY; from Mayville, Rockwood, Jackson, Antigo, Cameron, Green Bay, Prairie du Chien, Whitewater, Madison, Hillsboro, and Stevens Point, WI and Dubuque, IA, to Dodge, Manitowoc, Washington, Langlade, Barron, Brown, Crawford, Walworth, Dane, Vernon, and Portage Counties, WI and Dubuque County, IA; from South Bend, IN and Sault Ste. Marie and Hessel, Engadine, MI to St. Joseph County, IN and Chippewa and Mackinac Counties, MI, (b) in Sub-No. 37 from Manistee, MI to Manistee County, MI, (c) in Sub-No. 41 from Green Bay, Hurley, Aurora, and Marinette, WI to Brown, Iron, Florence, and Marinette Counties, WI, (d) in Sub-No. 55 from Bangor, WI, Camden, NJ, and Charleston, SC to LaCrosse County, WI, Camden County, NJ and Charleston County, SC, (e) in Sub-No. 62F from Kincheloe, Lansing and Grand Ledge, MI and Hazel Green, WI to Chippewa, Eaton, and Ingham Counties, MI and Grant County, WI, (f) in Sub-No. 63F from Lakeland, FL to Polk County, FL, (g) in Sub-No. 70F from Menomonee Falls, WI to Waukesha County, WI, (h) in Sub-No. 72F from Rockdale, IL to Will County, IL, (i) in Sub-Nos. 73F and 74F from Minneapolis, MN to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN, (j) in Sub-No. 74F from Shawano, WI to

Shawano County, WI, (k) in Sub-No. 77 from Canton and Washington Court House, OH to Stark and Fayette Counties, OH from Green Bay, WI to Brown County, WI and from Milwaukee, WI to Ozaukee, Washington, Waukesha, Milwaukee and Racine Counties, WI; (5) replace the named ports of entry in named states with all ports of entry in named states in Sub-Nos. 1, 28, 34, 37, 41, 47, 49 and 51, (6) remove the restriction to transportation in foreign commerce only in Sub-No. 1 (7) remove the restriction to the transportation of traffic having a subsequent movement to Ontario, Canada, (8) remove the "originating at and/or destined to named points" restrictions in Sub-Nos. 1, 34, 66, 71 (9) remove the restriction against transportation to AK and HI in Sub-No. 51, (10) remove the restrictions in Sub-Nos. 1, E3 and E9 against traffic that originates in Canada (11) remove the restriction in Sub-No. 1 requiring that shipments originating in Canada move through, the port of entry at or near Sault Ste. Marie, MI, and (12) Change one-way to radial authority between various points throughout the U.S. in all Subs and E letter notices except part of Sub-No. 69F.

MC 108341 (Sub-205)X, filed April 13, 1981, previously noticed in the Federal Register of April 20, 1981, republished as corrected this issue. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213.

Representative: Jack F. Counts (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F, 62, 120F and 150F certificates to (1) broaden the commodity description (a) from self-propelled articles, each weighing 15,000 pounds or more in part of Sub-No. 3 and from tractors (except truck tractors) in Sub-No. 7F to "machinery, metal products, transportation equipment, ordnance and accessories, and textile mill products", (b) from yard tractors in Sub-No. 62, from tractors (except truck tractors and tractors weighing 15,000 pounds or more) in Sub-No. 120F, and, from tractors (except truck tractors) in Sub-No. 150F to "machinery and transportation equipment and ordnance and accessories", (2) replace the facilities limitations in (a) Sub-No. 62 at Lyons, IL with Cook County, IL and, (b) in Sub-No. 150F at Romeo, MI with Macomb County, MI, (3) remove the ex-water restriction in Sub-No. 120F, (4) remove the "originating at and/or destined to named points or facilities" restriction in Sub-Nos. 120F and 150F, (5) remove the restrictions to commodities transported on trailers in Sub-No. 3, and (6) change one-way to radial authority between (a) Portsmouth, VA, and the

facilities used by International Harvester Company or its dealers in 5 states, in Sub-No. 120F and (b) Macomb County, MI, and, points in 6 states in Sub-No. 150F. The purpose of this republication is to include the requested change in the commodity description.

MC 116227 (Sub-17)X, filed April 27, 1981. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 8010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)": from dicalcium phosphate, in bags, and crushed, ground, or pulverized limestone, in bags, to "chemicals and related products, clay, concrete, glass or stone products, and ores and minerals": and from wood shavings, in bales, bags, and by-products thereof, in bundles, bales, and bags, to "lumber and wood products"; (2) replace cities with county-wide authority: in the irregular route portion, Alden, IA, with Hardin County, IA; (3) change its one-way to radial authority in the irregular route portion, between Hardin County, IA, and points in MN; and between 5 specified counties in MN, and points in IL, IN, IA, KS, MI, MO, NE, ND, SD, and WI; and (4) eliminate the restriction against service to or from specified plantsites at Wadena, MN.

MC 119180 (Sub-13)X, filed May 1, 1981. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 1111, Highway 67 East, Mt. Pleasant, TX 75455. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-No. 4 certificate to (1) broaden the commodity description from gravel, sand, rock, caliche, shell, iron ore, readymix asphalt, rip rap, aggregate, dirt, bulk cement mixed with sand, crushed limestone, flexible base, and sand mixed with stone, gravel and crushed stone or rock to "commodities in bulk" in each certificate; (2) remove the "in dump trucks or trailers with dump bodies" restriction in each certificate; (3) change city to county-wide authority from Little Rock to Pulaski County, AR, and Sulphur Springs to Hopkins County, TX, in the lead (page 2); and (4) expand one-way to radial authority between Miller, LaFayette and Ouachita Counties, AR, and, points in AR, LA, OK and TX (with exceptions), in Sub-No. 4 and between Pulaski County, AR, and, Hopkins County, TX in the lead.

MC 127303 (Sub-88)X, filed March 13, 1981, previously noticed in the Federal

Register of April 10, 1981, published as corrected this issue. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 668 Eleventh Street NW, Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 18, 19, 23, 26, 29, 32, 37, 39, 40, 47, 50, 53, 56, 67, 71, 74, 78, 79, and 82 certificates to (1) broaden the commodity descriptions to (a) "food and related products" from malt beverages, inedible grease and tallow, animal feed, foodstuffs, non-alcoholic beverages, carbonated beverages, and beverages, in Paragraphs 3-5, 15, 16, and 19 of its lead certificate and Subs 23, 26, 29, 32, 37, 39, 40, 47, 50, 56, 67, 71, 74, 78, 79, and 82; (b) "machinery and transportation equipment" from storage cribs, mechanical loaders, and truck hoists, in Paragraph 10 of the lead certificate; (c) "machinery" from farm implements in Paragraphs 11 and 12 of the lead certificate; (d) "clay, concrete, glass or stone products; and pulp, paper and related products" from glass containers and empty corrugated boxes in Paragraph 17 of the lead certificate; (e) "clay, concrete, glass or stone products; pulp, paper and related products; and metal products" from glass containers, closures for glass containers, and fiberboard boxes, in Paragraph 18 of the lead certificate; (f) "food and related products; clay, concrete, glass or stone products; and metal products" from malt beverages, empty containers, and brewery supplies in Sub-No. 18; (g) "food and related products; and chemicals and related products" from canned goods and soap in Sub-No. 19; and (h) "food and related products; ores and minerals; and machinery" from feed, feed ingredients, minerals, pre-mixes; animal health products, livestock feeders, and livestock equipment in Sub 53; (2) replace authority to serve named points or plant sites with authority to serve the county or city: (a) Minneapolis-St. Paul, MN for a facility at Minneapolis, and Kenosha County, WI for Kenosha, WI, in Paragraph 3 of the lead certificate; (b) Omaha, NE, for a facility at Omaha, in Paragraph 4; (c) Minneapolis-St. Paul, MN for a facility at Minneapolis in Paragraph 5; (d) La Salle County, IL, for Streator, IL, in Paragraph 10; (e) Jasper and Jones Counties, IA, for Newton and Monticello, IA, in Paragraph 11; (f) Black Hawk County, IA, for Waterloo, IA, in Paragraph 12; (g) Mason County, IL, for Mason City, IL, in Paragraph 15; (h) La Salle, Livingston, McLean, Macon, Piatt, St. Clair, Sangamon and Vermilion

Counties, IL, for Belleville, Decatur, Springfield, Danville, Galesville, Bloomington, and Streator, IL, in Paragraph 18; (i) Grant County, IN, for Gas City, IN, and Chicago, IL, for Argo, IL, in Paragraph 17; (j) La Salle, IL, for Seneca, IL, in Paragraph 18; (k) Johnson and Muscatine Counties for plant sites at Iowa City and Muscatine, IA, in Paragraph 19; (l) Des Moines, IA, for a plant site at Des Moines, IA, in Sub 19; (m) La Crosse and Sheboygan Counties, WI for La Crosse and Sheboygan, WI, and Freeborn, Mower, Steele, and Olmsted Counties, MN, for Albert Lee, Austin, Owatonna, and Rochester, MN, in Sub 23; (n) Pottawattamie County, IA for Council Bluffs, IA, in Sub 28; (o) McCracken County, KY for Paducah, KY, in Sub 29; (p) Houston County, GA for Pabst, GA, in Sub 39; (q) Coles County, IL, for a plant site at Mattoon, IL, in Sub-No. 40; (r) Milwaukee, WI, for a plant site at Milwaukee, WI, in Sub 47; (s) Columbus, OH and Reno County, KS, for plant sites at Columbus, OH and Hutchinson, KS, in Sub-No. 50; (t) Ogle County, IL, for a plant site at Rochelle, IL, in Sub-No. 56; (u) St. Clair County, IL and Ray County, MO for Belleville, IL and Richmond, MO, in Sub-No. 71; (v) Johnson County, KS, for Lenexa, KS, in Sub-No. 78; (w) La Crosse County, WI, for La Crosse, WI, in Sub-No. 79; and (x) Allen County, IN and Pottawattamie County, IA, for Fort Wayne, IN and Council Bluffs, IA, in Sub-No. 82; (3) broaden the territorial description from one-way authority to radial authority between: (a) Minneapolis-St. Paul, MN and Kenosha County, WI, in Paragraph 3 of the lead certificate; (b) Omaha, NE and IL, IN, and the lower peninsula of MI, in Paragraph 4; (c) Minneapolis-St. Paul, MN, and points in the lower peninsula of Michigan, in Paragraph 5; (d) La Salle County, IL, and points in sixteen States, in Paragraph 10; (e) Jasper and Jones Counties, IA and points in the part of Illinois on and north of U.S. Highway 38, in Paragraph 11; (f) Black Hawk County, IA, and points in that part of Illinois on and north of U.S. Highway 38 (except six specified counties), in Paragraph 12; (g) Mason County, IL, and points in IN, MO, and IA, in Paragraph 15; (h) eight Illinois counties and Hammond, IN, St. Louis, MO, and Cincinnati, OH, in Paragraph 16; (i) Grant County, IN, and Chicago, IL, in Paragraph 17; (j) La Salle County, IL, and points in IA, MN, NE, SD, WI, and MO; (k) Johnson and Muscatine Counties, IA, and points in Illinois and points in that part of Missouri on and east of U.S. Highway 63, in Paragraph 19; (l) Minneapolis-St Paul, MN, and MO and IL, in Sub-No. 18; (m) Des Moines,

IA and points in ND, SD, WI, IL, IN, MI, OH, and MO, in Sub-No. 19; (n) Sheboygan County, WI and Freeborn, Mower, Steele, and Olmsted Counties, MN; La Crosse County, WI and Freeborn, Mower, Steele, and Olmsted Counties, MN and North Mankato, MN; and Minneapolis-St. Paul, MN, and points in Nebraska and those in that part of Iowa on and west of U.S. Highway 65, in Sub-No. 23; (o) Milwaukee, WI and Peoria, IL and Omaha, NE and Pottawattamie County, IA, in Sub-No. 26; (p) Minneapolis-St. Paul, MN and McCracken County, KY, in Sub-No. 29; (q) Minneapolis-St. Paul, MN and Kansas City, KS, in Sub-No. 32; (r) Milwaukee, WI and points in NE and MO, in Sub-No. 37; (s) Houston County, GA and points in OH, IL, IN, and MI, in Sub-No. 39; (t) Milwaukee, WI and points in fifteen States in the lower peninsula of Michigan, in Sub-No. 47; (u) Columbus, OH and Reno County, KS and points in the U.S., in Sub-No. 50; (v) Cedar Rapids, IA and points in MO, MN, and WI, in Sub-No. 53; (w) Ogle County, IL and points in IN, MN, and WI, in Sub-No. 56; (x) Omaha, NE and Granite City, IL and points in MN, WI, ND, and SD, in Sub-No. 67; (y) St. Clair County and Peoria, IL and Evansville, IN, on the one hand, and, on the other, Ray County and Independence, MO, in Sub-No. 71; (z) Peoria, IL and points in NE and MO, in Sub-No. 74; (aa) Johnson County, KS and points in IA, IL, MO, ND, SD, and WI, in Sub-No. 78; and (bb) La Crosse County, WI and Chicago, IL, in Sub-No. 79; and (4) remove the restrictions: (a) requiring transportation to be performed in bulk, in tank vehicles, in Paragraphs 15 and 16 of the lead certificate; (b) prohibiting transportation in bulk, in Paragraph 19 of the lead certificate, and Sub-Nos. 19, 29, 40, 50, 53, and 79; (c) prohibiting transportation in tank vehicles, in Sub-No. 79; (d) limiting transportation to traffic originating at named origins (Sub-Nos. 50 and 56) or transportation of traffic originating at the named origins and destined to the indicated destinations in Paragraph 19 of the lead certificate, and Sub-Nos. 26, 37, 40, and 47; (e) prohibiting serving AK and HI, in Sub-No. 50; and (f) requiring that transportation of fiberboard boxes and closures for glass containers take place in mixed loads with glass containers, in Paragraph 18 of the lead certificate. The purpose of this republication is to replace in part (2)(i) Argo, IL with Chicago, IL, previously noticed as Cook County, IL.

MC 138420 (Sub-52)X, filed April 27, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063.

Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions from its Sub-No. 41F certificate to (1) substitute radial service for existing one-way service between specified WI points, and points in MI, MO, and OH; (2) remove restriction against transportation of commodities in bulk; (3) delete restriction limiting service to the facilities of a named shipper; and (4) substitute Wood County for Wisconsin Rapids and Biron, WI; and Portage County for Stevens Point, WI.

[FPR Doc. 81-14399 Filed 5-12-81 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL JOINT COMMISSION

### Application of the State of Washington To Construct New Works for Regulating the Levels of Osoyoos Lake in the Province of British Columbia and the State of Washington

Notice is hereby given that the International Joint Commission has received an Application from the State of Washington for an Order of Approval for construction of new control works for regulating the levels of Osoyoos Lake in the Province of British Columbia and the State of Washington. It is stated that the existing Zosel Dam, which has received temporary repairs from time to time, is ineffective in conserving water during drought periods because of apparent seepage losses. Furthermore, it is stated that the dam is overstressed at water level of 911 feet. The Applicant also states that the proposed control works would have the capacity to pass 2,500 cubic feet per second with Osoyoos Lake level not greater than the 913 feet; such elevation equivalent to or lower than the 911 feet elevation at Zosel Dam required in the Commission's 1946 Order of Approval.

Governments and interested persons, including municipalities, corporations, partnerships, associations and individuals may present Statements in Response to the Commission prior to June 15, 1981, at either of the addresses noted below; such Statements in Response should set forth facts and arguments bearing on the subject matter of the Application and tending to oppose or support the Application in whole or in part. Where possible, 30 copies should be provided.

Copies of the Application and related drawings are being distributed to persons who appeared before the Commission at its hearings in Oroville, Washington, and Osoyoos, British Columbia, in 1978, and are available, for

review, at the Municipal Office of the Village of Osoyoos and at the City Hall of Oroville. Copies of the application also may be obtained from the Secretaries of the Commission.

The Commission will hold hearings at which all persons who wish to make oral presentation regarding this Application will be heard. Times and places of such hearings will be announced later.

**D. G. Chance,**  
Secretary, Canadian Section, International Joint Commission.

**D. A. LaRoche,**  
Secretary, United States Section, International Joint Commission.

May 5, 1981.  
[FR Doc. 81-14300 Filed 5-12-81; 8:45 am]  
BILLING CODE 4710-14-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-87]

### Certain Coin-Operated Audio-Visual Games and Components Thereof; Request for Further Briefing

**AGENCY:** International Trade Commission.

**ACTION:** Commission request for further briefing by the parties and other interested persons.

**SUMMARY:** The Commission is requesting further briefing on certain copyright issues in this case.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain coin-operated audio-visual games and components thereof. The Commission is requesting further briefing by the parties and other interested persons on the issue of whether the complainant, Midway Manufacturing Co., has an enforceable copyright in its Galaxian game or in any of the components thereof. The parties and other interested persons are requested to file written briefs on the issue no later than May 18, 1981.

Copies of all non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0155.

**FOR FURTHER INFORMATION CONTACT:** Clarease E. Mitchell, Esq., Office of the

General Counsel, telephone 202-523-0148.

By order of the Commission.  
Issued: May 1, 1981.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 81-14409 Filed 5-12-81; 8:45 am]  
BILLING CODE 7020-02-M

### [Investigation No. 337-TA-99]

### Certain Molded-in Sandwich Panel Inserts and Methods for Their Installation

#### ORDER NO. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the *Federal Register*.

Issued: May 6, 1981.

**Donald K. Duvall,**  
Chief Administrative Law Judge.  
[FR Doc. 81-14410 Filed 5-12-81; 8:45 am]  
BILLING CODE 7020-02-M

### [Investigation No. 731-TA-42 (Preliminary)]

### Motorcycle Batteries From Taiwan

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of preliminary antidumping investigation.

**SUMMARY:** The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-42 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan of motorcycle batteries which are allegedly sold or likely to be sold in the United States at less than fair value (LTFV). For purposes of this investigation, motorcycle batteries are defined as lead-acid-storage batteries principally dedicated for use in motorcycles, having a nominal output of either 6 or 12 volts and rated between 2 and 28 ampere hours (10 hour rate), as provided for in item 683.10 of the Tariff Schedules of the United States.

**EFFECTIVE DATE:** May 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade

Commission, Room 346, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-0242.

**SUPPLEMENTARY INFORMATION:** On May 1, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by Yuasa General Battery alleging that motorcycle batteries from Taiwan are being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731-TA-42 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by June 15, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR 207).

**WRITTEN SUBMISSIONS:** Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before June 1, 1981. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207), and part 201, subpart A through E (19 CFR 201).

**CONFERENCE:** The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Wednesday, May 27, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate

in the conference should contact the supervisory investigator for this investigation, Mr. Lynn Featherstone (202-523-0242). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

**INSPECTION OF THE PETITION:** The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.

Issued: May 8, 1981.

Kenneth R. Mason,  
Secretary.

[FPR Doc. 81-14407 Filed 5-12-81: 8:45 am]

BILLING CODE 7020-02-M

**[Investigation No. 337-TA-88]**

**Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** The scheduling of oral arguments and briefing in investigation No. 337-TA-88, Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture.

In the Matter of certain spring assemblies and component thereof, and methods for their manufacture; commission hearing on the presiding officer's recommendation and on relief, bonding, and the public interest, and the schedule for filing written submissions.

Notice is hereby given that 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 unauthorized importation into the United States and sale of certain spring assemblies that are the subject of the Commission's investigation.

Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. 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 Officer

of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

**COMMISSION HEARING:** The Commission will hold a public hearing on June 10, 1981, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

**ORAL ARGUMENTS:** Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. Such arguments will be limited to 20 minutes (exclusive of time consumed by questions from the Commission or its advisory staff), unless the parties make a timely request for additional time for making their arguments based on a showing of need. This time may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

**ORAL PRESENTATIONS 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 hearing presentations 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 hearing presentations 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.

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. Such presentations will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff) and may include the testimony of witnesses. This portion of the hearing is legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

**WRITTEN SUBMISSIONS:** In order to give greater focus to the hearing, the parties to the investigation, Government agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. Briefs must be filed not later than the close of business on May 27, 1981. During the course of the

bearing, the parties may be asked to file posthearing briefs.

**NOTICE OF APPEARANCE:** Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by May 27, 1981.

**ADDITIONAL INFORMATION:** The original copy and 11 true copies of all briefs must be filed with the Office of the Secretary not later than May 27, 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.

Notice of this investigation was published in the Federal Register of August 8, 1980.

**FOR FURTHER INFORMATION CONTACT:**

Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1627.

By order of the Commission.  
Issued: May 7, 1981.

Kenneth R. Mason,  
Secretary

[FR Doc. 81-14408 Filed 5-12-81; 8:45 am]  
BILLING CODE 7020-02-M

**DEPARTMENT OF JUSTICE**

**National Institute of Justice**

**Correctional Officers; Disabilities and Organizational/Administrative Factors; Competitive Research Grant Solicitation**

The National Institute of Justice announces a competitive research grant solicitation for proposals to examine the types of policies governing and actual payments made for correctional officers' disabilities and organizational/administrative factors that may contribute to differential policies and practices among the states. The aim of this research is to provide information to assist states in developing more cost effective policies for handling disability claims in a fair, consistent and equitable manner.

The solicitation requests submission of proposals which will then be reviewed by a peer review panel. In order to be considered, proposals must be postmarked no later than July 3, 1981. This announcement will result in an award of \$50,000 for a 12 months effort.

Additional information and copies of the solicitation may be obtained by sending a self-addressed mailing label to:

Solicitation Request, Payment Policies for Correctional Officer Disabilities, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: April 28, 1981.

Harry M. Bratt,  
*Acting Director, National Institutes of Justice.*  
[FR Doc. 81-14384 Filed 5-12-81; 8:45 am]  
BILLING CODE 4410-18-M

**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on Reactor Safeguards; Joint Subcommittee on Reactor Radiological Effects and Site Evaluation; Meeting**

The ACRS Joint Subcommittee on Reactor Radiological Effects and Site Evaluation will hold a meeting with the Canadian Advisory Committee on Radiological Protection on May 26 and 27, 1981 at the Ontario Hydro Office, 700 University Avenue, Toronto, Canada. Matters related to radiation safety will be discussed including siting, waste management and disposal, and emergency procedures. Notice of this meeting was published April 21.

The meeting will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). In order to receive and consider this information, the ACRS must be able to engage in frank discussion with members of the Canadian Advisory Committee on Radiological Protection. For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeting to permit the ACRS to obtain information necessary in carrying out its statutory responsibilities. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552b(c)(4).

Further information can be obtained by a prepaid telephone call to the cognizant Federal Employee, Mr. Garry Young (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: May 8, 1981.

John C. Hoyle,  
*Advisory Committee Management Officer.*  
[FR Doc. 81-14386 Filed 5-12-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-247]

**Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission has issued Amendment No. 69 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment, in response to the April 25, 1980 application, revises the Technical Specifications to reduce the minimum reactor coolant flow to 95% of thermal design flow and accommodate plant operation with up to 12% of the steam generator tubes plugged. As a separate item, in response to the March 28, 1981 application, the amendment adds to the Technical Specifications limiting conditions for operation and surveillance requirements for leakage detection and removal systems to reduce the likelihood of a recurrence of the October 17, 1980 flooding event.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated April 25, 1980 and March 26, 1981, (2) Amendment No. 69 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for

public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Maritime Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22 day of April, 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1,  
Division of Licensing.

[FR Doc. 81-14387 Filed 5-12-81; 8:45 am]

BILLING CODE 7509-01-M

#### Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to the provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.149, "Nuclear Power Plant Simulators for Use in Operating Training," describes a method acceptable to the NRC staff for specifying the functional requirements of a nuclear power plant simulator to be used for operator training. It endorses, with certain exceptions, ANSI/ANS 3.5-1981, "Nuclear Power Plant Simulators for Use in Operator Training." Need for the guide was highlighted as a result of operator errors noted in investigations of the accident at the Three Mile Island Nuclear Station.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in

specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager. (5 U.S.C. 552(a)).

Dated at Rockville, Maryland this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-14388 Filed 5-12-81; 8:45 am]

BILLING CODE 7509-01-M

#### SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-17771; File Nos. SR-BSE-81-5 and SR-BSE-81-6)

#### Boston Stock Exchange, Inc., Proposed Rule Changes; Self-Regulatory Organizations

Relating to a temporary increase on all Exchange billings to members and a revision to the Boston Stock Exchange "Value Charge Assessment."

Comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 30, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The exchange is proposing to impose a temporary 15 percent increase on all Exchange billings to members effective for the period May 1 through September 30, 1981. In addition, the Exchange is revising the schedule of "Value Charge Assessment" used to compute members' transactions fees, as follows. (Brackets indicate deletions, italics indicate additions.)

A maximum charge of \$200 per side on any transaction, regardless of the contract amount.

Monthly contract values	Rate
\$0-(\$2,000,000)	\$7.5 million
\$2,000,000-5,000,000	\$20 per \$1,000 valuation.
Over \$7.5 million	\$10 per \$1,000 valuation.

Monthly contract values	Rate
\$5,000,000-10,000,000	\$5 per \$1,000 valuation.]
Over 10,000,000	\$25 per \$1,000 valuation.]

#### II Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filings with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

#### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) The purpose of the proposed rule changes is to attempt to meet increased inflation and operational costs while insuring an efficient system for trading of securities and the safekeeping of assets.

(b) The basis under the Act for the proposed rule changes is Section 6(b)(4) which requires the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed rule changes.

#### (C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others

Comments have neither been solicited nor received.

#### III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph(e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the

Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D. C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed changes that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file numbers in the caption above and should be submitted on or before June 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 5, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-14435 Filed 5-12-81; 8:45 am]  
BILLING CODE 8010-01-M

#### DEPARTMENT OF STATE

Office of the Secretary  
[Public Notice CM-8/405]

Advisory Committee on Private International Law; International Business Transactions Study Group; Meeting

There will be a meeting of the International Business Transactions Study Group, a study group of the subject Advisory Committee, at 10:00 a.m. on Thursday, May 28, 1981 in Room 2722A of the Department of State. Members of the general public may attend up to the capacity of the meeting room.

The purpose of the meeting will be to develop recommendations concerning

work being undertaken by the United Nations Commission on International Trade Law related to contracts for supply and construction of large industrial works and for industrial cooperation, in preparation for UNCITRAL working group and plenary sessions scheduled in June 1981.

Entry to the Department of State Building is controlled and members of the general public should use the "C" Street entrance. As entry will be facilitated by advance arrangements and the meeting room may have to be changed, members of the general public planning to attend should, prior to May 27, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, (telephone: (202) 632-8134) of their name, affiliation and address.

Dated: May 8, 1981.

Peter H. Pfund,

*Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.*

[FR Doc. 81-14430 Filed 5-12-81; 8:45 am]

BILLING CODE 4710-07-M

#### DEPARTMENT OF THE TREASURY

[Number: 107-1]

Appointment of Designated Agency Official Under the Ethics in Government Act of 1978

Pursuant to the authority vested in me and in implementation of the Ethics in Government Act of 1978 (Pub. L. 95-521) and 5 CFR 738.202, the Deputy General Counsel is appointed "Designated Agency Ethics Official," and the Senior Counsel for Ethics is appointed "Alternate Designated Agency Ethics Official," for the Department of the Treasury within the meaning of that law and regulation.

This Order supersedes Treasury Department Order 107-1 dated February 5, 1979.

Dated: April 27, 1981.

Donald T. Regan,

*Secretary of the Treasury.*

[FR Doc. 81-14278 Filed 5-12-81; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 13-81]

Series A-1991 Notes; Interest Rate

May 7, 1981.

The Secretary announced on May 6, 1981, that the interest rate on the notes designated Series A-1991, described in Department Circular—Public Debt

Series—No. 13-81 dated April 30, 1981, will be 14½ percent. Interest on the notes will be payable at the rate of 14½ percent per annum.

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. 81-14393 Filed 5-12-81; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 12-81]

Services K-1984 Notes; Interest Rate

May 6, 1981.

The Secretary announced on May 5, 1981, that the interest rate on the notes designated Series K-1984 described in Department Circular—Public Debt Series—No. 12-81 dated April 30, 1981, will be 15½ percent. Interest on the notes will be payable at the rate of 15½ percent per annum.

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. 81-14394 Filed 5-12-81; 8:45 am]

BILLING CODE 4810-40-M

#### VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Health Services Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for health Services Research and Development. This meeting will convene in Room 119 of the Veterans Administration Central Office Building, 810 Vermont Avenue, NW, Washington, DC, June 18 and 19, 1981, beginning at 3 p.m. on June 18, 1981, and 8:30 a.m. on June 19, 1981. The purpose of the meeting is to review health services research and development applications for scientific and technical merit and to make recommendations to the Acting Director, Health Services Research and Development Service (HSR&DS) regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the June 18th session for approximately one hour to cover administrative matters and to discuss the general status of the program. During the closed session, the Board will be reviewing research and development applications relating to the delivery and organization of health services. This review involves oral review and discussion of site visits, staff and consultant critiques of research protocols, and similar documents that necessitate the consideration of personnel qualifications and the

performance and competence of individual investigators.

Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code, and the determination of the Administrator of Veterans Affairs under section 10(d) of

Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mrs. Dolores Zupan, Program Assistant (152), Health Services Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, 20420, (Phone: (202) 389-5414) at least 5 days before the meeting.

Dated: May 5, 1981.  
Rufus H. Wilson,  
*Acting Administrator.*  
[FR Doc. 81-14340 Filed 5-12-81; 8:45 am]  
BILLING CODE 8320-01-M

# Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-315, Amdt. 3; May 7, 1981]

### CIVIL AERONAUTICS BOARD.

Status of item 10 is being changed from open to closed and will be held at 9 a.m.

**TIME AND DATE:** 9 a.m., May 6, 1981.

**PLACE:** Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:** Closed. 10. Docket 32851, Agreement 1175, as amended; The IATA Review (Show-Cause) Proceeding (Memo 447-A, 447-B, BDA, BCP).

**STATUS:** Closed.

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-752-81 Filed 5-11-81; 3:40 pm]

BILLING CODE 6320-01-M

2

[M-316; May 7, 1981]

### CIVIL AERONAUTICS BOARD.

**TIME AND DATE:** 1:30 p.m., May 14, 1981.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:**

1. Ratification of items adopted by notation.

2. Docket 29044, Proposals to Amend 14 CFR Part 252 Smoking Aboard Aircraft. Instructions to staff. (OGC)

3. Dockets 33682 and 32812, *Michael F. Jacobson v. United Air Lines, Inc., and Arthur Rock v. United Air Lines, Inc.*, respectively, review on Board initiative of AL's granting motions to withdraw complaints in enforcement proceedings. (Memo 494, OGC)

4. Dockets 33363, 38666, 38667—Former Irregular Air Service Investigation—Phase III,

Applications of Imperial Enterprises Corporation d.b.a. Imperial International Airlines, Inc. (OGC)

5. H.R. 2—the Sunset Act of 1981. (OGC)

6. Proposed changes in notice requirements for terminations and reductions of service in domestic and foreign air transportation. (Memo 490, OGC, BDA, BIA)

7. Dockets 38585 and 34138, Joint Fares. (OGC, BDA)

8. Docket 38975, Extension of fare flexibility to Micronesia and American Samoa. (OGC, BDA)

9. Trans-Panama S.A. compliance disposition. (BCCP)

10. Docket 34774, Petition of Metroflight, Inc., for compensation for losses at Paris, Texas. (BDA, OCCR, OC)

11. Commuter carrier fitness determination of Scenic Airlines, Inc. (BDA)

12. Docket 35307—Notice of Intent of Ozark Air Lines, Inc., to suspend service at Clarksville, Tennessee-Ft. Campbell-Hopkinsville, Kentucky. (BDA, OCCR)

13. Docket 39373, Notice of USAir to terminate service at Akron-Canton, Ohio. (Memo 487, BDA, OCCR)

14. Docket 39154, International Air Cargo, Inc.—Application for a section 418 All-Cargo Air Service Certificate. (Memo 493, BDA, OGC)

15. Commuter Carrier fitness determination of Vee Neal, Inc. d.b.a. Vee Neal Airlines. (Memo 496, BDA)

16. Dockets 39427, 39434, Lone Star Airways Additional Points Subpart Q Proceeding. (BDA)

17. Dockets 38885, 38979, 38418, 38570, 39115, 38978, 38720, 38816, 39524, 38586, 34562, 34711, 38883, 38184, 38193, 38196, 38884, 39013, 39032, 38571, 38882, and 39525—Employee Protection Program: Applications on Behalf of Employees of Aeroamerica; Airlift International; American, Braniff, Continental, Eastern, Overseas National, Pan AM, TWA, and United for Determination of Qualifying Dislocation. (BDA, OCC, OEA)

18. Docket 39355, Application of Air North for exemption from Part 252 (smoking) of the Board's regulations. (Memo 488, BDA, BCCP)

19. Docket 39285—Texas International—Continental Acquisition Case: petitions for reconsideration of Order 81-3-100 submitted by Air Florida and American Airlines. (Memo 305-E, OGC, BDA, BALJ)

20. Institution of the U.S.-London Case (1982) to select a U.S. gateway and carrier for U.S.-U.K. service for 1982. (BIA, OGC, BALJ)

21. Docket 39347—Application of Air Florida, Inc. for Chicago/New York/Newark/White Plains-Bermuda authority. (BIA, OGC, BALJ)

22. Establishment of Standard Foreign Fare Level Methodology. (BIA, BDA)

**STATUS:** Open.

## Federal Register

Vol. 46, No. 92,

Wednesday, May 13, 1981

**PERSON TO CONTACT:** Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-753-81 Filed 5-11-81; 3:40 pm]

BILLING CODE 6320-01-M

3

### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11 a.m. Friday, May 22, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Briefing.

### CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6374.

[S-748-81 Filed 5-11-81; 1:45 pm]

BILLING CODE 6351-05-M

4

### FEDERAL COMMUNICATIONS COMMISSION.

Additional item to be considered at Commission open meeting, Thursday, May 7, 1981

The Federal Communications Commission will consider this additional item on the subject listed below at the Open Meeting scheduled for Thursday, May 7, 1981, starting at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

#### Agenda, Item No., and Subject

Common Carrier—14—American Telephone and Telegraph Co. Manual and Procedures for the Allocation of Costs. Order on reconsideration.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this additional item.

Action by the Commission May 5, 1981. Commissioners Lee, Chairman; Quello, Washburn, Fogarty and Jones voting to consider this additional item.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 7, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-743-81 Filed 5-11-81; 8:56 am]

BILLING CODE 6712-01-M

**FEDERAL COMMUNICATIONS COMMISSION.**

Clarification of Deletion Notice (No. 000731) released May 5, 1981, concerning item 10 common carrier.

Due to an administrative error, Common Carrier Item No. 10 was deleted at the request of the Office of Commissioner Washburn. The notice should read deleted at the request of the Office of Commissioner Jones.

Additional information concerning this notice may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 6, 1981.

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[S-744-81 Filed 5-11-81; 8:56 am]

BILLING CODE 6712-01-M

The following item has been deleted at the request of the Office of Commissioner Fogarty from the list of agenda items scheduled for consideration at the May 7, 1981, Open Meeting, and previously listed in the Commission's Notice of April 30, 1981.

*Agenda, Item No. and Subject*

Private Radio—1—Title: Tentative Decision and Further Notice of Proposed Rule Making. Docket No. 18921. Summary: The Commission will consider whether to adopt a Tentative Decision and Further Notice of Proposed Rule Making dealing with the cooperative sharing and multiple licensing of facilities in the private land mobile radio service.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 6, 1981.

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[S-748-81 Filed 5-11-81; 8:56 am]

BILLING CODE 6712-01-M

**FEDERAL COMMUNICATIONS COMMISSION.**

Deletion of agenda item from May 7, 1981 open meeting.

The following item has been deleted at the request of the Office of Commissioner Washburn from the list of agenda items scheduled for consideration at the May 7, 1981 Open Meeting, and previously listed in the Commission's Notice of April 30, 1981.

This item has been rescheduled for consideration at the May 18, 1981 Open Meeting.

*Agenda, Item No. and Subject*

Common Carrier—12—Title: Notice of Inquiry into the policies to be followed in the future licensing of telecommunications facilities in the Pacific Region for the 1981-1995 time period. Summary: This item considers the initiation of a comprehensive facilities planning process for the Pacific Region during the 1981-1995 time period. The issue is whether a comprehensive review of the Pacific Region during the specified time period is more desirable than the Commission's current ad hoc application review process.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 7, 1981.

Federal Communications Commission.

William J. Tricarico,  
Secretary.

[S-745-81 Filed 5-11-81; 8:56 am]

BILLING CODE 6712-01-M

Shopping Plaza, 2833 Ridge Road West, Town of Greece, New York.

Application for consent to merge and establish four branches:

Manufacturers Bank, Los Angeles, California, for consent to merge, under its charter and with the title "Mitsui Manufacturers Bank," with The Mitsui Bank of California, Los Angeles, California, and for consent to establish the four existing offices of The Mitsui Bank of California as branches of the resultant bank.

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 pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank 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)).

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

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. 44,778-L—Northern Ohio Bank Cleveland, Ohio.

Case No. 44,784-L—City & County Bank of Campbell County Jellico, Tennessee.

Case No. 44,785-L—Franklin National Bank New York, New York.

Memorandum and Resolution re: Toney Brothers bank, Doerun, Georgia.

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)).

*Application for consent to establish a branch:*

Rochester Savings Bank, Rochester, New York, for consent to establish a branch in Wegman's Food Market, Ridgemont

**FEDERAL COMMUNICATIONS COMMISSION.**

Deletion of agenda item from May 7, 1981, open meeting.

Personnel actions regarding appointments, promotions, administrative pay increases, reassessments, 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)).

**Reports of committees and officers:**

Reports of the Director, Office of Corporate Audits:

Audit Report re: Investigation of Travel Irregularities, Richmond Region—Washington, D.C. Area.

Audit Report re: Investigation of Travel Irregularities, Richmond region—Raleigh Field Office.

Audit report re: Office of Corporate Audits Travel reimbursement Claims.

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 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-749-81 Filed 5-11-81; 3:29 pm]

BILLING CODE 6714-01-M

9

**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 3:30 p.m. on Monday, May 18, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Memorandum of Agreement under the National Historic Preservation Act regarding an application of Bank of Brunswick, Brunswick, Maryland, to establish a branch at the site of the Jefferson Primary School in Jefferson, Maryland, a property eligible for the National Register of Historic Places.

Memorandum and Resolution re: Proposed amendments to Part 328 of the Corporation's rules and regulations, entitled "Advertisement of Membership".

Memorandum and Resolution re: Proposed interpretation of 12 CFR Part

329 which would clarify the eligibility requirements for NOW accounts.

Memorandum and Resolution re: Amendments to Delegations of Authority—Liquidation Activities.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-750-81 Filed 5-11-81; 3:29 pm]

BILLING CODE 6714-01-M

10

(May 11, 1981)

**FEDERAL ENERGY REGULATORY COMMISSION.**

**TIME AND DATE:** May 18, 1981, 10:00 a.m.

**PLACE:** 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

- (1) Docket No. RI78-66.
- (2) Docket No. IN80-5.
- (3) Docket No. IN80-6.
- (4) Docket No. IN80-14.
- (5) Docket No. E-9206.
- (6) Docket No. CP80-435.

**CONTACT PERSON FOR MORE INFORMATION:**

Kenneth F. Plumb,  
Secretary, Telephone (202) 357-8400.

[S-747-81 Filed 5-11-81; 11:36 am]

BILLING CODE 6450-85-M

11

**FEDERAL RESERVE SYSTEM.**

Board of Governors

**TIME AND DATE:** 10 a.m., Monday, May 11, 1981.

**PLACE:** 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

- 1. Proposed expenditure by the Federal Reserve Bank of New York for a renovation project.

2. Proposed Federal Reserve Bank employee salary structure adjustment policy.

3. Personnel actions (appointments, promotions, assignments, reassessments and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 1, 1981.

James McAfee,

*Assistant Secretary of the Board.*

**Editorial Note.**—This notice was submitted to the office of the Federal Register on May 1, 1981 and scheduled for publication in the May 6, 1981 issue. It was inadvertently omitted from the May 6, issue.

[S-708-81 Filed 5-11-81; 3:28 pm]

BILLING CODE 6210-01-M

12

**FEDERAL RESERVE SYSTEM.**

Board of Governors

**TIME AND DATE:** 10:00 a.m., Tuesday, May 19, 1981.

**PLACE:** 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

- 1. Personnel actions (appointments, promotions, assignments, reassessments, and salary actions) involving individual Federal Reserve System employees.

- 2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 8, 1981.

James McAfee,

*Assistant Secretary of the Board.*

[S-743-81 Filed 5-8-81; 4:15 pm]

BILLING CODE 6210-01-M

13

**NUCLEAR REGULATORY COMMISSION.**

**DATE:** Week of May 11, 1981 (Revised).

**PLACE:** Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

*Tuesday, May 12, 10 a.m.*

- 1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (Continued from May 5).

Tuesday, May 12, 2 p.m.

1. Discussion of Revised Licensing Procedures (Approximately 1½ hours) (as announced).

2. Affirmation/Discussion Session (as announced).

Affirmation and/or Discussion and Vote:  
a. Indian Point Cooling Towers—Response to Settlement Proposed by the Parties.

b. Reappointment of ACRS Member (Tentative).

**ADDITIONAL INFORMATION:** Affirmations of Amendments to 10 CFR 19 to establish NRC Staff Authority to Call Meetings with Licensees, Proposed Response to Honicker Petition.

Commission Review of ALAB-603—St Lucie Nuclear Power Plant, Proposed Amendment to 10 CFR 71 to Restrict Air Transport of Plutonium, and Requests for Hearings in the Matter of Proposed Decontamination of Dresden Unit 1, scheduled for 5/7 were cancelled.

By a vote of 4-0 on May 7, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Response to Reynolds FOIA Appeal, held that day, be held on less than one week's notice to the public.

Automatic telephone answering service for schedule update: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Walter Magee, (202) 634-1410.

Dated: May 8, 1981.

Walter Magee,

*Office of the Secretary.*

[S-751-81 Filed 5-11-81; 3:40 pm]

BILLING CODE 7590-01-M

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Wednesday  
May 13, 1981

FRIDAY, MAY 13, 1981

FRIDAY, MAY 13, 1981

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Part II

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**Department of  
Energy**

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Privacy Act of 1974; Proposed  
Establishment of a New System of  
Records

**DEPARTMENT OF ENERGY****Privacy Act of 1974; Proposed Establishment of a New System of Records**

**AGENCY:** Department of Energy.

**ACTION:** Proposed establishment of a new system of records subject to the Privacy Act of 1974 (Pub. L. 93-579; 5 U.S.C. 552a).

**SUMMARY:** The Department of Energy proposes to establish a revised system of records. The system, entitled "DOE Integrated Payroll/Personnel System (PAY/PERS)," will serve as the automated personnel system for all of the Department of Energy and will initially payroll approximately 12,000 DOE employees. The key changes from our present payroll and personnel systems are:

Integrated data base controlled by logon code and user password protection systems.

Remote input and output from/to the location where records are required.

**DATES:** Written comments must be received June 12, 1981.

**ADDRESSES:** Comments should be directed to: Mr. C. H. Tseronis, U.S. Department of Energy, Office of Management Information Systems, CR-20, Mail Stop CA-411, Washington, DC 20545.

**FOR FURTHER INFORMATION CONTACT:** Mr. C. H. Tseronis, U.S. Department of Energy, Office of Management Information Systems, CR-20, Mail Stop CA-411, Washington, DC 20545.

**SUPPLEMENTARY INFORMATION:** The Department of Energy proposes to establish a revised system of records. The system, entitled "DOE Integrated Payroll/Personnel System (PAY/PERS)," will serve as the automated Personnel system for all of the Department of Energy and will initially payroll approximately 12,000 DOE employees.

Categories of individuals covered by the system: current and former employees, consultants, board members, applicants (only to the extent they are considered for competitive selection), specifically including all such personnel of the Federal Energy Regulatory Commission.

Categories of records in the system: name, social security number, sex, grade level, occupational code, Official Personnel Folders (SF-86), Service Record Cards (SF-7) records on suggestions and awards, training request and authorization data, training course evaluation statements, appraisals resulting from annual supervisor-employee review, pay requests and dispositions, reduction-in-force registers

(including associated records of competitive levels and competitive areas), reemployment and repromotion priority lists, retirement-associated eligibility and calculations, records on competitive selections (Form 178, Standard Form 39, and supporting documents), central copy of approved position descriptions, correspondence related to and copies of employee appeals, grievances, and complaints, including records of hearings or examiner's reports, lists of separated employees, correspondence from employees requesting transfer or reassignment, average grade data, minority group code, data related to and derived from the DOE Integrated Payroll/Personnel System (PAY/PERS).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009, 5 U.S.C. et seq.; Office of Personnel Management regulations.

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant

and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with

the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

**Safeguards:** Records are maintained in locked file cabinets in controlled accessed rooms. Computerized records are maintained by DOE time-share computer contractor. The time-share contractor is required to comply with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 522a), and applicable agency regulations.

PAY/PERS System access is controlled by logon code and user password protection systems. The PAY/PERS System will be moved to DOE hardware when it becomes available. System access is limited to those with a need to know.

**Retention and disposal:** Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

In accordance with OMB Circular A-108, as amended, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Director of the Office of Management and Budget were provided with at least 60 days advanced notice of the change in systems of records subject to the Privacy Act of 1974 (PL 93-579). These notices were prepared on May 8, 1980. No comments have been received to date.

Issued in Washington, D.C., May 6, 1981.

William S. Heffelfinger,  
Director of Administration.

#### SYSTEM NAME:

DOE Integrated Payroll/Personnel Records (PAY/PERS) (The payroll system contains the payroll and leave records for persons payrolled by PAY/PERS.)

#### SYSTEM LOCATION:

The locations listed as Items 1-39 in Appendix A.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE personnel and consultants, specifically including personnel and consultants of the Federal Energy Regulatory Commission.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance records, earning records, payroll actions and deduction information requests and authorizations for overtime/night differential, and Office of Personnel Management retirement records.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66(a)); 5 U.S.C. 5101-5115; T. 766 General Accounting Office Policy and Procedures Manual; Federal Personnel Manual Supplement 296-31/293-31.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Treasury Department—Collection of withheld taxes, printing payroll checks, and issuing savings bonds.

Internal Revenue Service—Federal income tax processing.

State and Local Governments—State and local income tax processing.

Office of Personnel Management—Retirement records and benefits.

Social Security Administration—Social Security records and benefits.

Department of Labor—Processing Workmen's Compensation claims.

DOD-Military Retired Pay Offices—Adjusting of Military Retirement.

Savings Institutions—Crediting accounts for savings made through payroll deductions.

Health Insurance Carriers—To process insurance claims.

GAO-Audit—Verification of accuracy and legality of disbursement.

Veterans' Administration—For evaluation of veteran's benefits to which the individual may be entitled.

States' Departments of Employment Security—For determining entitlement to unemployment compensation or other State benefits.

Additional routine uses as listed in Appendix B.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

##### STORAGE:

Paper records, punched cards, magnetic tape and disk, and microfiche.

##### RETRIEVABILITY:

By name, social security number, and payroll number.

##### SAFEGUARDS:

Records are maintained in locked file cabinets in controlled access rooms. Computerized records are maintained by DOE time-share computer contractor. The time-share contractor is required to comply with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency

regulations. PAY/PERS System access is controlled by logon code and user password protection systems. The PAY/PERS System will be moved to DOE hardware when it becomes available. System access is limited to those with a need to know.

#### RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

#### SYSTEM MANAGER(S) AND ADDRESS:

Headquarters (location 8 in Appendix A):

Controller

U.S. Department of Energy  
Washington, D.C. 20585

#### Field offices:

The managers and directors of field location 1-7, 9-35, and 36-39 in Appendix A are the system managers for their respective portions of this system.

#### NOTIFICATION PROCEDURE:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1-39 of Appendix A, in accordance with DOE's Privacy Act regulation (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

#### RECORD ACCESS PROCEDURES:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1-39 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 708.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

**CONTESTING RECORD PROCEDURES:**

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1-39 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 708.6 and 708.7, FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

**RECORD SOURCE CATEGORIES:**

The subject individual, supervisors, timekeepers, official personnel records, and the IRS.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Appendix A**

- (1) Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99802
- (2) Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115
- (3) Bartlesville Energy Technology Center, P.O. Box 1398, Bartlesville, Oklahoma 74003
- (4) Bonneville Power Administration, 1002 N.W. Holladay Street, P.O. Box 3621, Portland, Oregon 97208
- (5) Central District, Office of Enforcement (Kansas City [HQ], Chicago, Cleveland, Detroit, St. Louis, Wichita), Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106
- (6) Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439
- (7) Grand Forks Energy Technology Center, P.O. Box 8213, University Station, Grand Forks, North Dakota 58201
- (8) Headquarters, Department of Energy, Washington, D.C. 20585
- (9) Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401
- (10) Laramie Energy Technology Center P.O. Box 3395, University Station Laramie, Wyoming 82070
- (11) Morgantown Energy Technology Center, P.O. Box 830, Morgantown, West Virginia 26505
- (12) Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114
- (13) Northeast District Office of Enforcement (Philadelphia [HQ], Boston, New York, Pittsburgh), 1421 Cherry Street, 10th Floor, Philadelphia, Pennsylvania 19102
- (14) Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830

- (15) Pittsburgh Energy Technology Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213
- (16) Region I, Analex Building, Room 700, 150 Causeway Street, Boston, Massachusetts 02114
- (17) Region II, 26 Federal Plaza, Room 3206, New York, New York 10007
- (18) Region III, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102
- (19) Region IV, 8th Floor, 1655 Peachtree Street NE, Atlanta, Georgia 30309
- (20) Region V, Room A-333, 175 West Jackson Boulevard, Chicago, Illinois 60604
- (21) Department of Energy, Region VI, P.O. Box 35228, Dallas, Texas 75235
- (22) Region VII, Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106
- (23) Region VIII, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226
- (24) Region IX, Third Floor, 111 Pine Street, San Francisco, California 94111
- (25) Region X, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174
- (26) Richland Operations Office, P.O. Box 550, Richland, Washington 99352
- (27) Rocky Mountain District Office of Enforcement (Denver [HQ], Casper), P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226
- (28) San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616
- (29) Savannah River Operations Office, P.O. Box "A", Aiken, South Carolina 29801
- (30) Southeast District Office of Enforcement (Atlanta [HQ], Birmingham, Louisville, Richmond), 8th Floor, 1655 Peachtree Street NE, Atlanta, Georgia 30309
- (31) Southeastern Power Administration, Samuel Elbert Building, P.O. Box 3521, Portland, Oregon 97208
- (32) Southwest District Office of Enforcement (Dallas [HQ], Houston, New Orleans, San Antonio, Midland, Tulsa, Oklahoma City), P.O. Box 35228, 2826 West Mockingbird Lane, Dallas, Texas 75235
- (33) Southwestern Power Administration, P.O. Box Drawer 1619, Tulsa, Oklahoma 74101
- (34) Western District Office of Enforcement (San Francisco [HQ], Los Angeles, Seattle), 111 Pine Street, Third Floor, San Francisco, California 94111
- (35) Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401
- (36) Environmental Measurement Labs, 376 Hudson Street, New York, New York 10014
- (37) Grand Junction Office, P.O. Box 2567, Grand Junction, Colorado 81501
- (38) Pittsburgh Naval Reactors Office, P.O. Box 109, West Mifflin, Pennsylvania 15122
- (39) Schenectady Naval Reactors Office, P.O. Box 1069, Schenectady, New York 12301

**Appendix B**

The following routine uses apply to and are incorporated by reference into each system of

records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

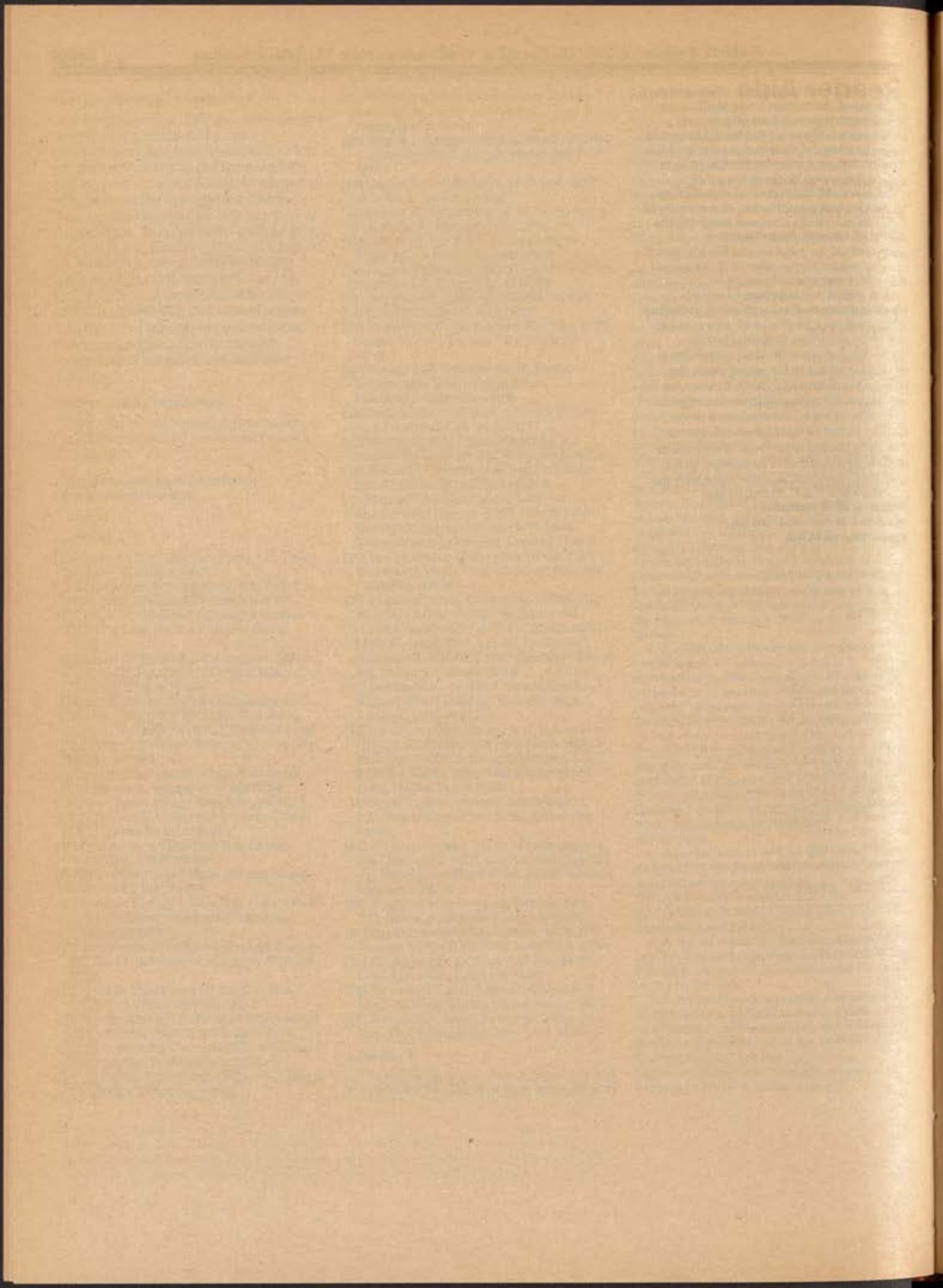
8. A record from this system of records may be disclosed, as contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same litigations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

[FR Doc. 81-14331 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M



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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator,  
Office of the Federal Register,  
National Archives and Records Service,  
General Services Administration,  
Washington, D.C. 20408.

## REMINDERS

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 17 through May 23, 1981

## AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

2565 5-8-81 / Irish potatoes grown in designated counties of Virginia and North Carolina; inspection and minimum grade and size requirements; comments by 5-23-81

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 naphtha; 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, 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 comments 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 76498, 11-19-80; 45 FR 82280, 12-15-80]	5506	<b>TRANSPORTATION DEPARTMENT</b> Federal Aviation Administration— 1-19-81 / FAA access to flight data recorder and cockpit voice recorder tapes; comments by 5-18-81
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	7015	National Highway Traffic Safety Administration— 1-22-81 / Federal motor vehicle safety standards, pedestrian impact protection; comments by 5-22-81
	<b>GENERAL SERVICES ADMINISTRATION</b> Transportation and Public Utilities Services—		Urban Mass Transportation Administration—
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	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]
	<b>HEALTH AND HUMAN SERVICES DEPARTMENT</b> Food and Drug Administration—		<b>TREASURY DEPARTMENT</b> Internal Revenue Service— 3-19-81 / Temporary employment tax regulations relating to submission of certain withholding certificates; comments by 5-18-81
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]	22395	4-17-81 / Withholding exemption certificates; comments by 5-19-81
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]		<b>Deadlines or Comments on Proposed Rules for the Week of May 24 through May 30 1981</b>
	<b>HOUSING AND URBAN DEVELOPMENT DEPARTMENT</b> Fair Housing and Equal Opportunity Office—		<b>AGRICULTURE DEPARTMENT</b> Agricultural Marketing Service—
22204	4-16-81 / Amendment of provisions for recognition of substantially equivalent laws; comments by 5-18-81	23263	4-24-81 / Tobacco, U.S. Type 32, Maryland Broadleaf in untied form; comments by 5-29-81 [See also 46 FR 22002, 4-15-81]
	<b>INTERIOR DEPARTMENT</b> Geological Survey—		<b>COMMERCE DEPARTMENT</b> National Oceanic and Atmospheric Administration—
22901	4-22-81 / Geothermal resources operations on public, acquired, and withdrawn lands; comments by 5-22-81	21793	4-14-81 / Atlantic Mackerel Fishery of the Northwest Atlantic Ocean, initial approval and availability of a plan; comments by 5-29-81
	Indian Affairs Bureau—	23070	4-23-81 / Deep seabed mining preliminary regulatory impact analysis and initial regulatory flexibility analysis; availability; comments by 5-30-81
22205	4-16-81 / Intent to rescind portions of regulations involving granting of rights-of-way over Indian lands; comments by 5-18-81	18448	3-24-81 / Deep seabed mining regulations for exploration licenses; comments by 5-29-81
	National Park Service—	19247	<b>CONSUMER PRODUCT SAFETY COMMISSION</b> 3-30-81 / Refuse bins, unstable, front-loading, small capacity, and straight-sided; proposed ban; comments by 5-26-81 [See also 46 FR 23469, 4-27-81, and 46 FR 25638, 5-8-81]
22905	4-22-81 / Big Cypress National Preserve, Fla.; intent to propose rulemaking; comments by 5-22-81	2566	<b>COPYRIGHT ROYALTY TRIBUNAL</b> 4-8-81 / Copyright owner access to phonorecord players (jukeboxes) and certain establishments; reply comments by 5-26-81
22905	4-22-81 / Everglades National Park, Fla., petition for rulemaking; comments by 5-22-81		<b>DEFENSE DEPARTMENT</b> Defense Logistics Agency—
	Office of the Secretary—	23070	4-23-81 / Environmental protection policy, proposed implementation; comments by 5-30-81
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]	2308	<b>EDUCATION DEPARTMENT</b> 4-23-81 / Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance; comments by 5-26-81
	Surface Mining Reclamation and Enforcement Office—		<b>ENERGY DEPARTMENT</b> Conservation and Solar Energy Office—
24963	5-4-81 / Permanent Regulatory Program for Surface Coal Mining and Reclamation Operations; availability of draft rules; comments by 5-22-81	9004	1-27-81 / Residential Conservation Service program; comments by 5-27-81
	<b>LABOR DEPARTMENT</b> Wage and Hour Division, Employment Standards Administration—		Federal Energy Regulatory Commission—
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]	23487	4-27-81 / Expansion of list of agricultural uses of natural gas; exemption from incremental pricing by adding certain stages in the manufacture of gelatin, glue and carboxy methyl cellulose (CMC); comments by 5-29-81
	<b>MANAGEMENT AND BUDGET OFFICE</b> 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		
	<b>SECURITIES AND EXCHANGE COMMISSION</b> 3-30-81 / Reporting and regulatory requirements; definitions of terms "small business" and "small organization"; comments by 5-19-81		

<b>ENVIRONMENTAL PROTECTION AGENCY</b>	
23768	4-28-81/Air quality; Massachusetts State Implementation Plan; approval and promulgation; comments by 5-28-81
23770	4-28-81/Air quality; Oregon State Implementation Plan; comments by 5-28-81
23772	4-28-81/Air quality; Oregon State Implementation Plan; volatile organic compound emissions; comments by 5-28-81
26076	5-11-81/Application from Subaru of America, Inc. (Subaru) for waiver of effective date of 1981 and 1982 model year carbon monoxide emission standard for light-duty motor vehicles; comments by 5-26-81
18322	3-24-81/Biological control agents; certain proposed exemptions from regulations; comments by 5-26-81
14125	2-26-81/Hazardous Waste Guidelines and Regulations; reopening of comment period on delisting petition of Stablex Corp.; comments by 5-27-81
23228	4-24-81/Herbicide, oxyfluorfen in foods; soybean oil; comments by 5-26-81
23238	4-24-81/Herbicide oxyfluorfen in or on raw agricultural commodities; soybeans and corn, grain; comments by 5-26-81
23053	4-23-81/High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles (final regulations); compliance procedures; comments by 5-26-81
23237	4-24-81/Plant growth regulator chemicals; 1-naphthaleneacetic acid in or on raw agricultural commodities apples, pears, olives, pineapples and quinces; comments by 5-26-81
25114	5-5-81/Porcelain enameling; Point source category; effluent limitations guidelines pretreatment standards and new source performance standards; comments by 5-27-81
23955	4-29-81/Washington State; Primary nonferrous smelter Orders; maintenance of pay provisions; comments by 5-29-81
<b>FEDERAL COMMUNICATIONS COMMISSION</b>	
85125	12-24-80/Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issues); reply comments by 5-29-81
17809	3-20-81/FM broadcast station in Ansley, Ala.; changes in table of assignments; reply comments by 5-25-81
20708	4-7-81/FM broadcast stations in Arroyo Grande and Pismo Beach, Calif.; changes in table of assignments; comments by 5-25-81
17811	3-20-81/FM broadcast station in Bend, Oreg.; changes in table of assignments; reply comments by 5-25-81
17810	3-20-81/FM broadcast stations in Fort Bragg and Mendocino, Calif.; changes in table of assignments; reply comments by 5-25-81
20709	4-7-81/FM broadcast stations in Powell, Wyo.; changes in table of assignments; comments by 5-25-81
20711	4-7-81/FM broadcast stations in San Manuel, Miami, Claypool, and Summerhaven, Ariz.; changes in table of assignments; comments by 5-25-81
<b>FEDERAL HOME LOAN BANK BOARD</b>	
24579	5-1-81/Futures transactions; interest rate futures markets by insured institutions; comments by 5-29-81
22626	4-20-81/Interservice sharing of frequencies in the private land mobile service below 470 MHz; reply comments by 5-29-81.
17813	3-20-81/Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; comment period extended to 5-26-81 [See also 45 FR 63305, 9-24-80]
21397	4-10-81/Radio service-sharing of certain frequencies by the Forest Products Radio Service in Washington, Oregon and California; comments by 5-29-81
19599	3-31-81/Privacy Act of 1974; establishment of records system for Office of Internal Evaluation and Compliance; comments by 5-30-81
<b>HEALTH AND HUMAN SERVICES DEPARTMENT</b>	
23765	Food and Drug Administration— 4-28-81/General biological product standards for aluminum in biological products; comments by 5-28-81
23227	4-24-81/Indirect food additives; polymers toluene; comments by 5-26-81
<b>INTERSTATE COMMERCE COMMISSION</b>	
21618	4-13-81/Classification of carriers in the uniform system of accounts for motor carriers of passengers; revision final rule; comments by 5-28-81
<b>LABOR DEPARTMENT</b>	
18999	Occupational Safety and Health Administration— 3-27-81/Enforcement inspection; walkaround compensation for employee representatives; comments by 5-30-81 [See also 46 FR 3852, 1-18-81, and 46 FR 11253, 3-30-81]
<b>PERSONNEL MANAGEMENT OFFICE</b>	
23262	4-24-81/Retired Federal employees health benefits program; transfer of enrollment from Uniform Plan to Indemnity Benefit Plan; comments by 5-28-81
<b>TRANSPORTATION DEPARTMENT</b>	
21184	Federal Aviation Administration— 4-9-81/New York Air petition for clarification of interpretation of the High Density Rule; summary; comments by 5-26-81
19245	3-30-81/Petitions for rule making; summary of petitions received and dispositions of petitions denied; comments by 5-29-81
21205	Office of the Secretary— 4-9-81/Federal motor vehicle safety standards; alternative amendments to automatic restraint requirements of occupant crash protection standard; comments by 5-26-81
<b>VETERANS' ADMINISTRATION</b>	
23085	4-23-81/Schedule for Rating Disabilities; proposed amendment of portion that deals with the endocume of the system; comments by 5-26-81
<b>Next Week's Meetings</b>	
<b>AGRICULTURE DEPARTMENT</b>	
22015	Forest Service— 4-15-81/Los Padres National Forest Grazing Advisory Board, Santa Maria, Calif. (open), 5-20-81
23503	Science and Education Administration— 4-27-81/Committee of Nine, Rosslyn, Va. (open), 5-20 and 5-21-81
<b>ARTS AND HUMANITIES, NATIONAL FOUNDATION</b>	
25018	5-4-81/Humanities Panel, Washington, D.C. (closed), 5-21 and 5-22-81
24332	4-30-81/Museum Panel, Washington, D.C. (closed), 5-18 through 5-20-81
<b>CIVIL RIGHTS COMMISSION</b>	
24978	5-4-81/Massachusetts Advisory Committee, Boston, Mass. (open), 5-21-81
24978	5-4-81/Missouri Advisory Committee, Columbia, Mo. (open), 5-18 and 5-19-81
24221	4-30-81/Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 5-21-81
24222	[Location change at 46 FR 25677, 5-8-81]
<b>COMMERCE DEPARTMENT</b>	
23963	International Trade Administration— 4-29-81/Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 5-20-81

		<b>HEALTH AND HUMAN SERVICES DEPARTMENT</b>
23279	4-24-81/Caribbean Fishery Management Council, Education and Information Subcommittee and Administrative Subcommittee, St. Croix, U.S. Virgin Islands (open), 5-19 through 5-21-81	Alcohol, Drug Abuse, and Mental Health Administration—
	<b>DEFENSE DEPARTMENT</b>	4-23-81/Drug House National Advisory Council, Rockville, Md. (partially open), 5-19 and 5-20-81
	Army Department—	4-23-81/Mental Health National Advisory Council, Rockville, Md. (partially open), 5-18 through 5-20-81
24225	4-30-81/Army Science Board, Fort Huachuca, Ariz. (closed), 5-19 through 5-21-81	Centers for Disease Control—
24225	4-30-81/Military Personal Property Symposium, Arlington, Va. (open), 5-21-81	5-1-81/Immunization Practices Advisory Committee, Atlanta, Ga. (open), 5-21 and 5-22-81
22254	4-18-81/United States Army Medical Research and Development Advisory Panel Subcommittee on Parasitic Diseases, Washington, D.C. (open), 5-20-81	Food and Drug Administration—
	Navy Department—	5-1-81/Consumer exchange meeting, Los Angeles, Calif. (open), 5-19-81
24620	5-1-81/Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed), 5-20 and 5-21-81	4-14-81/Ophthalmic Device Section of the Ophthalmic, ear, nose, and throat, and Dental Devices Panel, Washington, D.C. (open), 5-22-81
	Office of the Secretary—	Health Resources Administration—
23968	4-29-81/Defense Science Board Task Force on Water in Southwest Asia, Arlington, Va. (closed), 5-20 and 5-21-81	4-15-81/Nurse Training National Advisory Council, Hyattsville, Md. (partially open), 5-18 through 5-20-81
22790	4-21-81/DOD Advisory Group on Electron Devices, (AGED), Working Group A (Mainly Microwave Devices), Arlington, Va. (closed), 5-19-81	National Institutes of Health—
19970	4-2-81/DOD Advisory Group on Electron Devices (AGED), Working Group D (Mainly Laser Devices), Arlington, Va. (closed), 5-20 and 5-21-81	4-2-81/National Advisory Child Health and Human Development Council, Bethesda, Md. (open), 5-18 and 5-19-81
17826	3-20-81/Wage Committee, Washington, D.C. (closed), 5-19-81	4-17-81/National Institute of Environmental Health Sciences, Board of Scientific Counselors, Research Triangle Park, N.C. (partially open), 5-19 and 5-20-81
	<b>EDUCATION DEPARTMENT</b>	4-10-81/Neurological and Communicative Disorders and Stroke National Advisory Council, Bethesda, Md., 5-21 and 5-22-81. Planning Subcommittee, Bethesda, Md., 5-20-81 (both meetings partially open)
22633	4-20-81/Continuing Education, National Advisory Council, Washington, D.C. (open), 5-20 through 5-22-81	5-1-81/Research Grants Division, Biomedical Sciences C Study Section, Bethesda, Md. (partially open), 5-21 and 5-22-81
	<b>ENERGY DEPARTMENT</b>	5-1-81/Research Grants Division, Clinical Sciences A Study Section, Washington, D.C. (partially open), 5-18 through 5-20-81
18784	3-26-81/National Petroleum Council, Environmental Conservation Committee, Air Quality Task Group, Washington, D.C. (open), 5-20-81	5-1-81/Research Grants Division, Clinical Sciences C Study Section, Bethesda, Md. (partially open) 5-21 and 5-22-81
23287	4-24-81/National Petroleum Council, Environmental Conservation Committee, Hazardous Wastes Task Group, Washington, D.C. (open), 5-20-81	National Institute for Occupational Safety and Health—
19971	4-2-81/National Petroleum Council, Environmental Conservation Committee, Water Quality Task Group, New York City, N.Y. (open), 5-21-81	5-4-81/Control Technology Assessment of Chemical Process Batch Unit Operations, Cincinnati, Ohio, (open), 5-20-81
23785	4-28-81/National Petroleum Council, Oil and Gas Resources Arctic Committee, Environmental Protection Task Group, Los Angeles, Cal. (open), 5-18-81	<b>HISTORIC PRESERVATION ADVISORY COUNCIL</b>
	Conservation and Renewable Energy, Office of Assistant Secretary—	4-29-81/Protection of Historic and Cultural Properties, Fort Worth, Tex., 5-18-81
22642	4-20-81/National Energy Extension Service Advisory Board (open), 5-19 and 5-20-81	4-30-81/Protection of Historic and Cultural Properties, Savannah, Ga., 5-21-81
	Energy Research Office—	<b>INTERIOR DEPARTMENT</b>
24625	5-1-81/High Energy Physics Advisory Panel, Upton, N.Y. (open), 5-18 through 5-20-81	Land Management Bureau—
	<b>ENVIRONMENTAL PROTECTION AGENCY</b>	4-23-81/Challis Management Framework Plan, Challis, Idaho (open), 5-21-81
22400	4-17-81/Administrator's Toxic Substances Advisory Committee, Washington, D.C. (open), 5-18 and 5-19-81	4-29-81/Helicopters: use in gathering wild horses, Vale, Oreg. (open), 5-22-81
	[See also 46 FR 16916, 3-18-81]	4-18-81/Idaho Falls District Advisory Council, Idaho Falls, Idaho (open), 5-21-81
24965	5-4-81/State FIFRA Issues Research and Evaluation Group, working committees, St. Louis, Mo. (open), 5-19 through 5-22-81	4-22-81/Oklahoma; Western Interior Regional Coal Team, Oklahoma City, Okla. (open), 5-19-81
	<b>FEDERAL PREVAILING RATE ADVISORY COMMITTEE</b>	4-18-81/Rawlins District Advisory Council, Rawlins, Wyo. (open), 5-21 and 5-22-81
23301	4-24-81/Committee Meetings, Washington, D.C. (partially open), 5-21-81	4-15-81/Roseburg District Advisory Council, Roseburg, Oreg. (open), 5-18-81
		4-24-81/Wyoming and Montana, Powder River Regional Coal Team, Casper, Wyo. (open), 5-21-81

**LABOR DEPARTMENT**

Labor Statistics Bureau—  
 23338 4-24-81/Labor Research Advisory Council Committee, Washington, D.C. (open), 5-19 through 5-21-81  
 Occupational Safety and Health Administration—  
 23340 4-21-81/Federal Advisory Council on Occupational Safety and Health, Washington, D.C. (open), 5-18-81

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

23572 4-27-81/NASA Advisory Council, Aeronautics Advisory Committee, Aircraft Controls and Guidance Informal Advisory Subcommittee, Hampton, Va. (open), 5-19 through 5-21-81  
 24046 4-29-81/NASA Advisory Council, Aeronautics Advisory Committee, Transport Aircraft Informal Advisory Subcommittee, Washington, D.C. (open), 5-20 and 5-21-81  
 23572 4-27-81/NASA Advisory Council, Space Systems and Technology Advisory Committee, Chemical Propulsion Technology Informal Advisory Subcommittee, Washington, D.C. (open), 5-19 through 5-21-81  
 23354 4-24-81/NASA Advisory Council, Space Systems and Technology Advisory Committee, Energy Technology Informal Advisory Subcommittees, Washington, D.C. (open), 5-18 and 5-19-81  
 23573 4-27-81/NASA Advisory Council, Space Systems and Technology Advisory Committee, Space Systems Informal Advisory Subcommittee, McLean, Va. (open), 5-19 and 5-20-81

**NATIONAL SCIENCE FOUNDATION**

21867 4-14-81/Behavioral and Neural Sciences Advisory Committee, Sensory Physiology and Perception Subcommittee, Ottawa, Canada (closed), 5-17-81  
 21865 4-14-81/Physiology, Cellular, and Molecular Biology Advisory Committee, Cellular Physiology Subcommittee, Washington, D.C. (closed), 5-18, through 5-20-81  
 21866 4-14-81/Physiology, Cellular, and Molecular Biology Advisory Committee, Molecular Biology Subcommittee, Washington, D.C. (closed), 5-18 and 5-19-81  
 21866 4-14-81/Science Education Advisory Committee, Washington, D.C. (open), 5-18 and 5-19-81

**NATIONAL SCIENCE FOUNDATION**

23844 4-28-81/Social and Economic Science Advisory Committee, Geography and Regional Science Subcommittee, Washington, D.C. (closed), 5-18-81  
 25019 5-4-81/Reactor Safeguards Advisory Committee, Class-9 Accidents Subcommittee, Washington, D.C. (open), 5-21 and 5-22-81  
 24047 4-29-81/Reactor Safeguards Advisory Committee, Metal Component Subcommittee, Washington, D.C. (partially open), 5-19-81  
 25168 5-5-81/Reactor Safeguards Advisory Committee, Transportation of Radioactive Materials Subcommittee, Washington, D.C. (open), 5-20-81

**STATE DEPARTMENT**

Office of the Secretary—  
 25172 5-5-81/Study Group D. Modem Working Party, San Francisco, Calif. (open), 5-19 and 5-20-81

**TRANSPORTATION DEPARTMENT**

Coast Guard—  
 21739 4-13-81/National Boating Safety Advisory Council, Newport, R.I. (open), 5-19 and 5-20-81

**National Highway Traffic Safety Administration—**

7123 1-22-81/Safety Standards International Harmonization, Group of Rapporteurs on Brakes and Running Gear, Ninth Session; Geneva, Switzerland; 5-19 through 5-22-81  
**VETERANS' ADMINISTRATION**  
 24786 5-1-81/Geriatrics and Gerontology Advisory Committee, Washington, D.C. (open), 5-21 and 5-22-81

**Next Week's Public Hearings****AGRICULTURE DEPARTMENT**

22197 Animal and Plant Health Inspection Service—  
 4-16-81/Quarantine of California to control mediterranean fruit fly, San Francisco, Calif., 5-19-81

**AIRCRAFT CREW COMPLEMENT, PRESIDENT'S TASK FORCE**

20645 4-6-81/Certification of "new generation" commercial airlines, Washington, D.C., 5-17 and 5-18-81

**COMMERCE DEPARTMENT**

Economic Development Administration—  
 23089 4-23-81/Hamilton County River Port and Industrial Park Facility, Tenn., (proposed), Chattanooga, Tenn., 5-19-81  
 National Oceanic and Atmospheric Administration—  
 23501 4-27-81/Atlantic Herring Fishery, operation and continued implementation of the Fishery Management Plan, Danvers, Mass., 5-22-81

[Date changed at 46 FR 25327, 5-6-81]

23958 4-29-81/Mid-Atlantic Fishery Management Council, Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (Amendment No. 3), Cape Charles, Va., 5-18-81; Salisbury, Md., 5-19-81; Wakefield, R.I., 5-20-81; Wildwood Crest, N.J. 5-21-81

22011 4-15-81/New England Fishery Management Council, Ellsworth, Maine, 5-18-81; Portland, Maine, 5-19-81; New Bedford, Mass., 5-19-81

**DEFENSE DEPARTMENT**

Navy Department—  
 19969 4-2-81/Naval Discharge Review Board, Helena, Mont., Portland, Ore.; Salt Lake City, Utah, Denver, Colo., 5-17 through 5-22-81

**ENVIRONMENTAL PROTECTION AGENCY**

24965 5-4-81/Registration and Classification Working Committee, St. Louis, Mo. (open), 5-21 and 5-22-81  
 24965 5-4-81/State FIFRA Issues Research and Evaluation Group Working Committee, St. Louis, Mo., (open) 5-19 and 5-20-81

**ENERGY DEPARTMENT**

Federal Energy Regulatory Commission—  
 17023 3-17-81/Procedures to expedite trial-type hearings, Washington, D.C., 5/19/81

**INTERNATIONAL TRADE COMMISSION**

16159 3-11-81/Precipitated barium carbonate from the Federal Republic of Germany and strontium nitrate from Italy, Washington, D.C., 5-18-81

**TREASURY DEPARTMENT**

Internal Revenue Service—  
 15893 3-10-81/Generation-skipping transfers, definitions and special rules; Washington, D.C., 5-20-81

**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.

**DEADLINES FOR COMMENTS ON PROPOSED RULES**

25660 5-8-81/HHS/Child Support Enforcement Office—Child support enforcement program; incentive payment to States which collect child support on their behalf; comments by 7-7-81

25645 5-8-81/Labor/ETA—Comprehensive Employment and Training Act (CETA) regulations; private sector inactive programs and increases on base average annual wage for public service employment; comments by 6-8-81

**APPLICATIONS DEADLINES**

25332 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for Indiana Standard Metropolitan Area; apply by 6-8-81

25333 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for Milwaukee Standard Metropolitan Area; apply by 6-8-81

25333 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for St. Louis Standard Metropolitan Statistical Area; apply by 6-8-81

25677 5-8-81/Commerce/NOAA—Federal and State cooperative climate activities, development; extension of period for application; applications must be received by 6-15-81, or postmarked by 6-12-81

24997 5-4-81/HHS/HDSO—Native American Programs; Program Announcement 13612-817; apply by 7-6-81

25145 5-5-81/HHS/HSA—Community Health Center Projects in the Magic Valley, Payette, Twin Falls, and Blackfoot, Idaho areas; jointly funded grants; apply by 7-1-81

25377 5-6-81/Justice/NIJ—Role of private counsel in indigent defense; competitive research; apply by 6-28-81

25161 5-5-81/Labor/ETA—Migrant and seasonal farmworker programs; fiscal year 1982 State planning estimates; apply by 6-15-81

**MEETINGS**

25701 5-8-81/HHS/NIH—National Advisory Research Resources Council, Bethesda, Md. (partially open), 5-28 and 5-29-81

25701 5-8-81/HHS/NIH—National Cancer Advisory Board and its Planning and Budget, and Special Action for Grants Subcommittees, Bethesda, Md. (partially open), 5-17 through 5-20-81

25701 5-8-81/HHS/NIH—National Cancer Institute Clinical Trials Review Committee, Bethesda, Md. (partially open, 5-20 through 5-22-81)

25379 5-6-81/NFAH—Music Panel (Composers Section), Washington, D.C. (partially open), 5-19 through 5-22-81

25379 5-6-81/NFAH—Music Panel (Solo Recitalists Section), Washington, D.C. (closed), 5-27-81

25733 5-8-81/NSF—Mathematical and Computer Science Advisory Committee, Mathematical Sciences Subcommittee, Washington, D.C. (partially open), 5-28 through 5-30-81

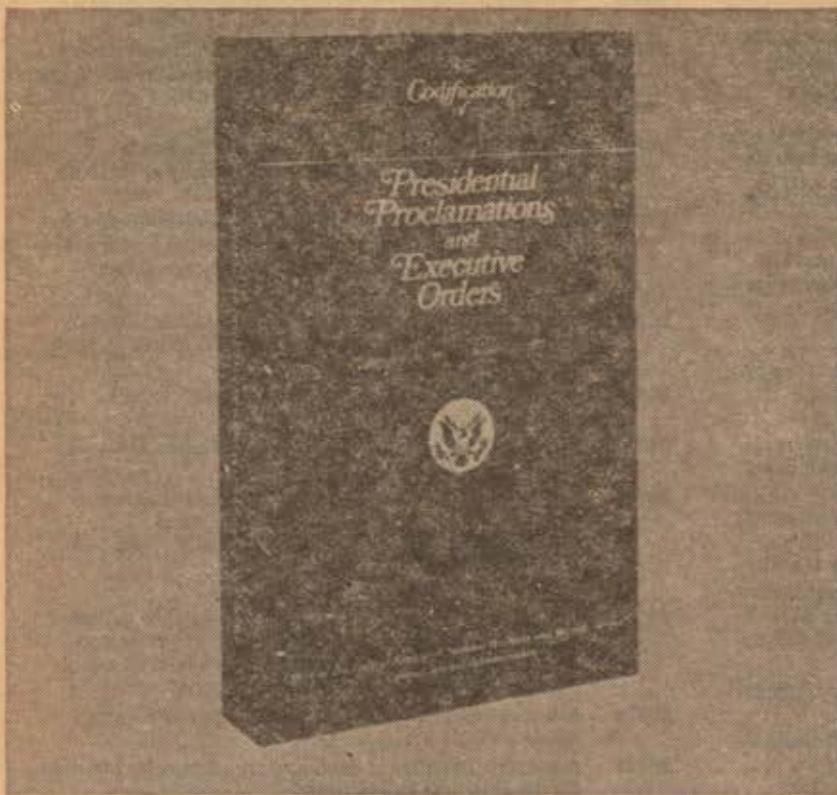
**OTHER ITEMS OF INTEREST**

25614 5-8-81/ED—Handicapped children; assistance to States for education and nondiscrimination in programs and activities receiving or benefiting from Federal financial assistance; postponement of interpretation

25774 5-8-81/HHS/PHS/HRA—Health Manpower Shortage areas; updated list

25107 5-5-81/HUD/Office of the Secretary—Loans for housing for the elderly or handicapped

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