5-28-81
Vol. 46 No. 102
Pages 28611-28832

federal register

Thursday,
May 28, 1981

Highlights

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

28660 **"NOW" Accounts** FDIC proposes interpretation to clarify rules concerning class of depositors eligible to maintain Negotiable Order of Withdrawal (NOW) accounts.

28747 **Cigarettes** FTC publishes tar, nicotine and carbon monoxide content of domestic cigarettes.

28632 **Washington National Airport** DOT/FAA issues final rule prohibiting carriers from flying nonstop into or out of Washington National Airport beyond a 650-mile perimeter.

28680 **Hazardous Waste Disposal Facilities** EPA announces availability of four additional draft Technical Resource Documents providing information on hazardous waste land disposal technologies and on techniques for evaluating facility designs and potential performance.

CONTINUED INSIDE

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

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

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

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

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

Highlights

28665 **Clothing Textiles and Vinyl Plastic Film** CPSC proposes rules implementing standards for flammability in order to explain how test results should be interpreted and how the standards should be applied to multilayer fabrics.

28623 **Foreign Exchange Visitors** Justice/INS issues rule concerning requirements for aliens desiring to participate in programs under which they will receive graduate medical education and training.

28691 **Tempered Sheet Glass from Japan** Commerce/ITA issues preliminary results of administrative review of antidumping finding and of tentative determination to revoke.

28677 **Income Tax** Treasury/IRS proposes amendments regarding use of property that has been valued under Section 2032A to satisfy a pecuniary bequest.

28673 **Countervailing and Antidumping Duties** ITC proposes to revise procedures for the conduct of investigations of whether injury to domestic industries results from imports sold at less than fair value or from subsidized exports to the U.S.

28630 **Nuclear Power Plants** NRC amends regulations to provide that alternative sites will not be considered in operating license reviews under the National Environmental Policy Act.

28648 **Probation and Parole** Justice/PARCOM issues criteria presently used in determining supervision standards.

28679 **Veterans Educational Assistance** VA proposes regulation setting a time limit for a veteran to submit mitigating circumstances concerning withdrawal from courses.

28800 **Sunshine Act Meetings**

Separate Parts of This Issue

28804 **Part II, Interior/BLM**

Contents

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

Agricultural Marketing Service
RULES
Milk marketing orders:
28611 Southwestern Idaho-Eastern Oregon
28611 Oranges (navel) grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Science and Education Administration; Soil Conservation Service.

Commerce Department
See also Economic Development Administration; International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.
NOTICES
Committees; establishment, renewals, terminations, etc.:
28690 Caribbean, South Atlantic, and North Pacific Fishery Management Councils, Advisory Panels

Commodity Futures Trading Commission
NOTICES
28800 Meetings; Sunshine Act

Consumer Product Safety Commission
PROPOSED RULES
Flammable fabrics:
28665 Clothing textiles and vinyl plastic film; interpretations, clarifications, and exemption

Defense Department
See also Engineers Corps.
NOTICES
Meetings:
28695 Electron Devices Advisory Group

Economic Development Administration
NOTICES
Import determination petitions:
28690 LaVenta Corp. et al.

Economic Regulatory Administration
NOTICES
Natural gas exportation or importation petitions:
28696 Tennessee Gas Pipeline Co.

Education Department
NOTICES
Grant applications and proposals, closing dates:
28695 Training of interpreters for deaf individuals program
Meetings:
28696 Vocational Education National Advisory Council

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
NOTICES
International atomic energy agreements; civil uses; subsequent arrangements:
28697 European Atomic Energy Community, Canada, and Portugal

Engineers Corps
RULES
28649 Water resources planning regulations; CFR Parts removed

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
28650 Ohio
PROPOSED RULES
Hazardous waste:
28680 Disposal facilities, design and evaluation; technical resource documents; availability
Pesticide programs:
28680 State primary enforcement responsibility for pesticide use violations; procedure clarification; notification to Agriculture Department Secretary
NOTICES
Motor vehicle fuel economy, evaluation of retrofit devices:
28740 Autosaver
28740 Gas Meiser I
Pesticide programs:
28739 Registration standard cases; availability of bibliographies
Pesticides; temporary tolerances:
28739 Elanco Products Co.; fluridone

Equal Employment Opportunity Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Aviation Administration
RULES
Airports, Metropolitan Washington:
28632 Aircraft, operational restrictions and limitations, flights into or out of Washington National Airport
Airworthiness directives:
28632 McDonnell Douglas

Federal Communications Commission
RULES
Common carrier services:
28656 Telephone companies; uniform system of accounts; station connections; etc.; correction
PROPOSED RULES
Radio stations; table of assignments:
28681 Maine; extension of time
Television broadcasting:
28681 Remote control operation; vertical interval test signal requirements removed
28684 Television towers, common use of; proceeding terminated

NOTICES
Hearings, etc.:
28741 AAA Anserphone, Inc.—Jackson
28742 Moore's Service et al.
Meetings:
28742 Radio Broadcasting Advisory Committee; cancellation
28742 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies

Federal Deposit Insurance Corporation
PROPOSED RULES
Interest on deposits:
28660 NOW account eligibility; class of depositors

Federal Election Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Emergency Management Agency
RULES
Flood elevation determinations:
28656 Alabama et al.; correction
NOTICES
Meetings:
28743 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
28672 Incremental pricing; definition of agricultural use; hearing
28672 Incremental pricing; single-tier alternative fuel price ceiling; extension of time
NOTICES
Hearings, etc.:
28727 Arkansas Louisiana Gas Co.
28728 Beaver Valley Power Co.
28729 Clear Creek Community Services District
28714 Columbia Gas Transmission Corp.
28715 Columbia Gulf Transmission Co.
28729 Columbia Gulf Transmission Co. et al.
28715 Coronado Transmission Co.
28716 Cosumnes River Water and Power Authority
28718 Dow Intrastate Gas Co.
28730 El Paso Natural Gas Co.
28731 El Paso Natural Gas Co. et al.
28719 Hat Creek Hydro, Inc.
28731 Hydro Light, Inc.
28720 Imperial Irrigation District
28720 Industrial Rehab Partnership
28732 Long Lake Energy Corp.
28717 McGrew, Dennis V., et al.
28722 Montana Power Co. et al.
28723 Mountain Fuel Resources, Inc.
28724 Mountain Fuel Supply Co.
28732 Niagara Mohawk Power Corp.
28725 Northeastern Minnesota Municipal Power Agency
28726 Northern Natural Gas Co. et al.
28733, 28734 Northwest Pipeline Corp. (2 documents)
28735 Pacific Power & Light Co.
28735 Rust Hydro Generation Co.
28721 Sanchez, Jorges
28719 Schwemm, Henry C., Jr.
28714 Tallahassee, Fla.
28726, 28736 Tennessee Gas Pipeline Co. (2 documents)
28726 Young, Robert C.
Natural Gas Policy Act of 1978:
28699, 28707 Jurisdictional agency determinations (2 documents)

Federal Highway Administration
NOTICES
Meetings:
28795 Traffic control device, development; self-powered vehicle detector

Federal Home Loan Bank Board
NOTICES
28800 Meetings; Sunshine Act

Federal Maritime Commission
NOTICES
28800 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
28743 Affiliated Bankshares of Colorado, Inc.
28743 Binger Agency
28745 Central Bancorp, Inc.
28745 Citicorp.
28745 Commercial Security Bancorporation
28745 First Bancshares of Seguin, Inc.
28745 First Foster Bancshares, Inc.
28746 Lorenzo Bancshares, Inc.
28746 Lyon Bancorp, Inc.
28746 Manufacturers Bancorp, Inc.
28746 Security Pacific Corp.
28747 Woodstock State Bancorp., Inc.
Bank holding companies; proposed de novo nonbank activities:
28743 Citicorp et al.
28801 Meetings; Sunshine Act

Federal Trade Commission
PROPOSED RULES
Prohibited trade practices:
28661 Zale Corp.
NOTICES
Cigarettes:
28747 "Tar," nicotine and carbon monoxide content of smoke of domestic cigarettes; listing

Fiscal Service
NOTICES
Surety companies acceptable on Federal bonds:
28798 Iowa National Mutual Insurance Co.

Fish and Wildlife Service
NOTICES
28694 Marine mammal and endangered and threatened species permit applications

Health and Human Services Department
See National Institutes of Health; Public Health Service.

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
28737 Decisions and orders

Housing and Urban Development Department
RULES
Low income housing:
28638 Fair market rents for new construction and substantial rehabilitation (Section 8); various States

Immigration and Naturalization Service
RULES
28624 Fines, imposition and collection; application for mitigation or remission of fine
28625 Forms, immigration and nationality; current edition dates
Nonimmigrants; documentary requirements; waivers, etc.:
28623 Aliens coming to U.S. to obtain graduate medical education and training; requirements

Interior Department
See Fish and Wildlife Service; Land Management Bureau.

Internal Revenue Service
PROPOSED RULES
Income taxes:
28677 Pecuniary bequests, property use

International Trade Administration
RULES
Export licensing:
28637 Validated and short supply controls; agricultural commodities and products, and petroleum and petroleum products; correction
NOTICES
Antidumping:
28691 Tempered sheet glass from Japan

International Trade Commission
PROPOSED RULES
28673 Investigations; procedural rules
NOTICES
Import investigations:
28770 Wet motor circulating pumps and components
28770 Wheel locks and components

Interstate Commerce Commission
RULES
Motor carriers:
28658 Commercial zones; expansion of Charleston, S.C., into Dorchester County
Rail carriers:
28658 Market dominance determinations and consideration of product competition; policy statement
NOTICES
Motor carriers:
28755 Finance applications
28757 Lease and interchange of vehicles
28758 Permanent authority applications; restriction removals
28764 Temporary authority applications
Railroad operation, acquisition, construction, etc.:
28757 Baltimore & Ohio Railroad Co. et al.; railroad car service pooling applications
28758 Railroad service abandonment:
Baltimore and Ohio Railroad Co.

Justice Department
See Immigration and Naturalization Service; Parole Commission.

Land Management Bureau
RULES
Public land orders:
28651-28655 California (6 documents)
28655 Montana
28655, 28656 Oregon (2 documents)
NOTICES
Alaska native claims selections; applications, etc.:
28753 Cook Inlet Region, Inc.
Authority delegations:
28755 Lands and Minerals Operations Branch, Chief; filings and void claims located on lands unavailable for mineral location
Classification of lands:
28754 New Mexico
Meetings:
28754 Albuquerque District Advisory Council
28755 Roseburg District Advisory Council
Organization and functions:
28755 Lewistown District Office, Mont.; mailing address change
Outer Continental Shelf; oil and gas lease sales:
28804, 28828 Gulf of Alaska (2 documents)
Withdrawal and reservation of lands, proposed; etc.:
28752 Idaho; correction
28753 New Mexico

National Aeronautics and Space Administration
NOTICES
Meetings:
28771 Aeronautics Advisory Committee
28771 Space Systems and Technology Advisory Committee

National Highway Traffic Safety Administration
RULES
28657 Defect and noncompliance notification; inclusion in manufacturer letters of agency's toll free auto safety hotline number; correction
NOTICES
Motor vehicle defect proceedings; petitions, etc.:
28795 Everett, James L., Jr.; (1979) Fiat X1/9 car; carburetor hesitation; petition denied

National Institutes of Health
NOTICES
Meetings:
28752 Biotechnology Resources Review Committee
28752 Pharmacological Sciences Review Committee
28752 President's Cancer Panel

National Oceanic and Atmospheric Administration
NOTICES
Marine mammal and endangered and threatened species permit applications, etc.:
28694 National Museum of Natural History
Marine mammal permit applications, etc.:
28694 Lambertsen, Dr. Richard H.
28693 Marineland of New Zealand

Meetings:
28693 Mid-Atlantic Fishery Management Council
28693 Regional Fishery Management Councils
Outer Continental Shelf:
28692 Fisherman's Contingency Fund; claim recommendation

National Science Foundation
NOTICES
Meetings:
28772 Advisory Council

National Telecommunications and Information Administration
NOTICES
Meetings:
28695 Frequency Management Advisory Council

National Transportation Safety Board
NOTICES
28772 Accident reports, safety recommendations and responses, etc.; availability

Nuclear Regulatory Commission
RULES
Environmental protection; licensing and regulatory policy and procedures:
28630 Alternative site reviews; procedures and performance criteria
Practice rules:
28627 Power reactor operating licenses review procedures; immediate effectiveness rule
PROPOSED RULES
28660 Rulemaking petitions; issuance of quarterly report; availability
NOTICES
Abnormal occurrence reports:
28773 Reactor containment building flooding, etc.
Applications, etc.:
28774 Northeast Nuclear Energy Co. et al.
28774 Portland General Electric Co.
28774 Public Service Electric & Gas Co. et al.
28801 Meetings; Sunshine Act

Parole Commission
RULES
Federal prisoners; paroling, recommitting, and supervising:
28648 Parole supervision termination guidelines

Postal Rate Commission
NOTICES
Mail classification schedules:
28775 ZIP plus 4 first-class subclasses
Post office closing; petitions for appeal:
28777 Oswego, S.C.

Postal Service
NOTICES
28801 Meetings; Sunshine Act

Public Health Service
NOTICES
Medical technology scientific evaluations:
28752 Ambulatory blood pressure monitoring using semiautomatic portable recording device for hypertension patients with cardiovascular disease

Research and Special Programs Administration, Transportation Department
RULES
Hazardous materials:
28657 International Maritime Dangerous Goods Code; incorporations by reference

Saint Lawrence Seaway Development Corporation
NOTICES
28795 National Environmental Policy Act; implementation

Science and Education Administration
NOTICES
Meetings:
28686 Food and Agricultural Sciences Joint Council

Securities and Exchange Commission
NOTICES
Meetings:
28778 Shareholder Communications Advisory Committee
28801 Meetings; Sunshine Act
Self-regulatory organizations; unlisted trading privileges:
28778 Boston Stock Exchange, Inc.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
28687 Buckhannon-Upshur Intermediate and Academy School Grounds RC&D Measure, W. Va.
28687 Canton Athletic Area Land Drainage RC&D Measure Oxford County, Maine
28688 Crow Creek-Optimist Park Water Based Recreation RC&D Measure, Wyo.
28688 Daviess County Lions Club Park RC&D Measure Plan, Ky.
28688 Johnson Creek Watershed, Wash.
28689 Kinkaid Lake RC&D Measure, Ill.
28686 Lake Vernon Spillway Park Critical Area Treatment, La.
28689 Milbridge Ballfield Land Drainage RC&D Measure, Maine
28686 Public School Lands, Critical Area Treatment, P.R.
28690 Putnam County Fair & 4-H Club Association, Inc. Land Drainage RC&D Measure, Ind.
28687 Roadbank Stabilization Critical Area Treatment RC&D Measure, Pa.

State Department
RULES
Visas:
28637 Nonimmigrants; immediate family and officials of foreign governments; definition
NOTICES
Meetings:
28778, 28779 Shipping Coordinating Committee (2 documents)

Trade Representative, Office of United States
NOTICES
Generalized System of Preferences:
28779 Articles eligible for duty-free treatment; results of review of petitions

Transportation Department
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration; Research and Special Programs Administration, Transportation Department; Saint Lawrence Seaway Development Corporation.

Treasury Department
See Fiscal Service; Internal Revenue Service.

Veterans Administration
PROPOSED RULES
Vocational rehabilitation and education:
28679 Educational assistance allowance; time limit to submit mitigating circumstances for course withdrawal

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Science and Education Administration—
28686 Joint Council on Food and Agricultural Sciences Executive Committee, (open), 6-10-81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
28693 Regional Fishery Management Councils; Council Chairpersons, Homer, Ala. (closed), 6-22 through 6-24-81 and Council Executive Directors, Homer, Ala. (closed), 6-21-81
National Telecommunications and Information Administration—
28695 Frequency Management Advisory Council Washington, D.C., (open), 6-19-81

DEFENSE DEPARTMENT
Office of the Secretary of Defense—
28695 DOD Advisory Group on Electron Devices, Working Group A, Arlington, Va. (closed), 7-1 and 7-2-81

FEDERAL EMERGENCY MANAGEMENT AGENCY
28743 Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open), 6-4 and 6-5-81

HEALTH AND HUMAN SERVICES DEPARTMENT
National Institutes of Health—
28752 Biotechnology Resources Review Committee, Bethesda, Md. (open), 6-5-81
28752 Pharmacological Sciences Review Committee, Bethesda, Md. (partially open), 6-9 and 6-10-81
28752 President's Cancer Panel, Bethesda, Md. (open), 6-12-81

INTERIOR DEPARTMENT
Bureau of Land Management—
28754 Albuquerque District Advisory Council, Farmington, N. Mex. (open), 7-1-81
28755 Roseburg District Advisory Council, Roseburg, Oreg. (open), 6-16-81

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION
28696 Washington, D.C., (open), 6-18-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
28771 NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee

NATIONAL SCIENCE FOUNDATION
28772 NSF Advisory Council, Task group #19, Washington, D.C. (open), 6-16-81

SECURITIES AND EXCHANGE COMMISSION
28778 Shareholders Communications Advisory Committee, New York, N.Y. (open), 6-17-81

STATE DEPARTMENT
28778, 28779 Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 6-10 and 6-23-81 (2 documents)

TRANSPORTATION DEPARTMENT
Federal Highway Administration—
28795 Development of self-powered vehicle detector, Washington, D.C. (open), 6-17-81

CANCELLED MEETING

FEDERAL COMMUNICATIONS COMMISSION
28742 Radio Broadcasting Advisory Committee, Washington, D.C. (open), originally scheduled for 5-27-81

HEARINGS

ENERGY DEPARTMENT
Federal Energy Regulatory Commission—
28672 Incremental Pricing Regulations, Washington, D.C., 6-9-81

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Executive Orders:
February 8, 1923 (Revoked in part by PLO 5888)..... 28655
September 25, 1925 (Revoked in part by PLO 5891)..... 28656
April 17, 1926 (Revoked in part by PLO 5925)..... 28655
February 23, 1928 (Revoked in part by PLO 5928)..... 28652

7 CFR
907..... 28611
1135..... 28611

8 CFR
214..... 28623
280..... 28624
299..... 28625
449..... 28625

10 CFR
2..... 28627
51..... 28630

Proposed Rules:
Ch. I..... 28660

12 CFR

Proposed Rules:
329..... 28660

14 CFR
39..... 28632
159..... 28632

15 CFR
376..... 28637
377..... 28637

16 CFR

Proposed Rules:
13..... 28661
1610..... 28665
1611..... 28665

18 CFR

Proposed Rules:
282 (2 documents)..... 28672

19 CFR

Proposed Rules:
201..... 28673
207..... 28673

22 CFR
41..... 28637

24 CFR
888..... 28638

26 CFR

Proposed Rules:
1..... 28677
7..... 28677

28 CFR
2..... 28648

33 CFR
252..... 28649
264..... 28649
275..... 28649
278..... 28649
341..... 28649

38 CFR

Proposed Rules:
21..... 28679

40 CFR
52..... 28650

Proposed Rules:
Ch. I..... 28680
264..... 28680
265..... 28680
267..... 28680

43 CFR

Public Land Orders:
2225 (Revoked in part by PLO 5932)..... 28652
5888..... 28655
5891..... 28656
5923..... 28652
5925..... 28655
5928..... 28652
5929..... 28651
5932..... 28652
5935..... 28654
5936..... 28655

44 CFR
67..... 28656

47 CFR
31..... 28656

Proposed Rules:
73 (3 documents)..... 28681, 28684

49 CFR
171..... 28657
577..... 28657
1048..... 28658
1109..... 28658

Rules and Regulations

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 524; Navel Orange Reg. 523, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 29, 1981–June 4, 1981, and increases the quantity of such oranges that may be so shipped during the the period May 22, 1981–May 28, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 29, 1981, and the amendment is effective for the period May 22, 1981–May 28, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.*

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

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

The committee met again publicly on May 26, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

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

1. Section 907.824 is added as follows:

§ 907.824 Navel Orange Regulation 524.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 29, 1981, through June 4, 1981, are established as follows:

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

2. Section 907.823 Navel Orange Regulation 523 (46 FR 2725), is hereby amended to read:

§ 907.823 Navel Orange Regulation 523.

* * * * *

(1) District 1: 1,400,000 cartons;
(2) District 2: unlimited cartons;
(3) District 3: unlimited cartons;
(4) District 4: unlimited cartons.

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

Dated: 00–00–00

———,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–16194 Filed 5–27–81; 11:39 am]

BILLING CODE 3410–02–M

7 CFR Part 1135

[Docket No. A0–380]

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Regulating the Handling of Milk

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes a Federal milk order to regulate the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area. The milk order was proposed by three cooperative associations at a public hearing held December 5–8, 1978, and at a later reopening of the hearing on February 5–8, 1980. An analysis of the hearing evidence developed at both hearings indicates that dairy farmers are experiencing disorderly marketing conditions to an extent that warrants the adoption of a milk order for the area. The order, which has been approved by more than the required two-thirds of the producers voting in a referendum, is necessary to assure orderly marketing in the area.

EFFECTIVE DATE: Sections 1135.1 through 1135.45 shall be effective on and after June 1, 1981, and all remaining provisions shall be effective on and after July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of

Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Notice of Hearing: Issued October 19, 1978; published October 24, 1978 (43 FR 49704).

Correction: Published October 27, 1978 (43 FR 50187).

Correction: Published November 13, 1978 (43 FR 52496).

Extension of time for filing briefs: Issued February 23, 1979; published February 28, 1979; (44 FR 11236).

Recommended decision: Issued August 13, 1979; published August 16, 1979 (44 FR 48128).

Extension of time for filing exceptions: Issued September 14, 1979; published September 19, 1979 (44 FR 54307).

Notice of reopened hearing: Issued November 27, 1979; published November 30, 1979 (44 FR 68835).

Notice of rescheduling of reopened hearing: Issued December 19, 1979; published December 27, 1979 (44 FR 76551).

Revised recommended decision: Issued October 21, 1980; published October 27, 1980 (45 FR 71198).

Extension of time for filing exceptions: Issued November 26, 1980; published December 2, 1980 (45 FR 79819).

Final Decision: Issued April 6, 1981; published April 14, 1981 (46 FR 21944).

Findings and Determinations

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and a proposed order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feed, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1135.85.

(b) Additional findings. It is necessary in the public interest to make this order partially effective not later than June 1, 1981, and fully effective not later than July 1, 1981. Any delay beyond that date would tend to unduly delay the establishment of orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The revised recommended decision of the Deputy Administrator, Marketing Program Operations, was issued October 21, 1980 and the decision of the Assistant Secretary containing all the provisions of this order was issued April 6, 1981. The provisions of the order, other than those relating to prices and payments, must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective June 1, 1981 and fully effective July 1, 1981, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register**. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southwestern Idaho-Eastern Oregon marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order:

Title 7 of the Code of Federal Regulations is amended by adding a new Part 1135 to read as follows:

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.

1135.1 General provisions.

Definitions

1135.2 Southwestern Idaho-Eastern Oregon marketing area.
1135.3 Route disposition.
1135.4 Plant.
1135.5 Distributing plant.
1135.6 Supply plant.
1135.7 Pool plant.
1135.8 Nonpool plant.
1135.9 Handler.
1135.10 Producer-Handler.
1135.11 [Reserved]
1135.12 Producer.
1135.13 Producer milk.
1135.14 Other source milk.
1135.15 Fluid milk product.
1135.16 Fluid cream product.
1135.17 Filled milk.
1135.18 Cooperative association.

Handler Reports

1135.30 Reports of receipts and utilization.
1135.31 Payroll reports.
1135.32 Other reports.

Classification of Milk

1135.40 Classes of utilization.
1135.41 Shrinkage.
1135.42 Classification of transfers and diversions.
1135.43 General classification rules.
1135.44 Classification of producer milk.
1135.45 Market administrator's reports and announcements concerning classification.

Class Prices

1135.50 Class prices.
1135.51 Basic formula price.
1135.52 [Reserved]
1135.53 Announcement of class prices.

1135.54 Equivalent price.

Uniform Price

1135.60 Handler's value of milk for computing uniform price.
1135.61 Computation of uniform price.
1135.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1135.70 Producer-settlement fund.
1135.71 Payments to the producer-settlement fund.
1135.72 Payments from the producer-settlement fund.
1135.73 Payments to producers and to cooperative associations.
1135.74 Butterfat differential.
1135.75 [Reserved]
1135.76 Payments by a handler operating a partially regulated distributing plant.
1135.77 Adjustments of accounts.
1135.78 Charges on overdue accounts.

Administrative Assessment and Marketing Service Deduction

1135.85 Assessment for order administration.
1135.86 Deduction for marketing services.

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

General Provisions

§ 1135.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

§ 1135.2 Southwestern Idaho-Eastern Oregon marketing area.

"Southwestern Idaho-Eastern Oregon marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the following Idaho and Oregon counties, including all reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Idaho

Ada
Adams
Blaine
Boise
Camas
Canyon
Cassia
Elmore
Gem
Gooding
Jerome
Lincoln
Minidoka
Owyhee
Payette
Twin Falls
Valley
Washington

Oregon

Baker
Grant
Harney
Malheur
Union

§ 1135.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product classified as Class I milk from a plant to a retail or wholesale outlet (including any delivery through a distribution point or a vender and disposition from a plant store or through a vending machine) except a delivery to another plant.

§ 1135.4 Plant.

"Plant" means the buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit or used only for reloading milk from one tank truck to another for transshipment shall not be a "plant" under this definition.

§ 1135.5 Distributing plant.

"Distributing plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and at which fluid milk products are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1135.6 Supply plant.

"Supply plant" means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk products are transferred during the month to a pool distributing plant.

§ 1135.7 Pool plant.

Except as provided in paragraph (c) of this section, "pool plant" means:

(a) A distributing plant from which there is:

(1) Route disposition (except filled milk) in the marketing area during the month equal to not less than 10 percent of the Grade A fluid milk products received at such plant (including milk diverted from such plant by the plant operator pursuant to § 1135.13); and

(2) Total route disposition (except filled milk) during the month equal to not less than 40 percent of such receipts.

(b) A supply plant from which during the month the volume of fluid milk products, except filled milk, transferred to pool distributing plants is 40 percent or more of the Grade A milk received at the plant from dairy farmers (including producer milk diverted from the plant by the plant operator but excluding producer milk diverted to the plant pursuant to § 1135.13), subject to the following conditions:

(1) Any supply plant that has qualified as a pool plant in each of the immediately preceding months of September through February shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month is filed by the plant operator with the market administrator prior to the first day of any such month. In such case, nonpool status will be effective until the plant again qualifies as a pool plant by meeting the transfer requirements; and

(2) The volume of fluid milk products included as qualifying shipments to a distributing plant pursuant to this paragraph shall be reduced by the volume of any fluid milk products transferred or diverted by such pool distributing plant operator to the supply plant or to any other plant under the control of the supply plant operator.

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of as route disposition during the month in such other Federal marketing area than was disposed of as route disposition in this marketing area, and which is fully subject to the classification and pricing provisions of such other order;

(3) A distributing plant qualified pursuant to paragraph (a) of this section that also meets the pool plant requirements of another Federal order on the basis of route disposition in such other marketing area, and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, is disposed of during the month as route disposition in this marketing area than is disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(4) A supply plant qualified pursuant to paragraph (b) of this section that also meets the pool plant requirements of another Federal order and from which greater qualifying transfers are made during the month to plants regulated under such other order than are made to plants regulated under this order, unless during the months of March through August the transfers to the other order plant are classified as Class II or Class III milk and the operator of the supply plant elects to retain automatic pooling under this part;

(5) A distributing plant from which less than an average of 300 pounds of Class I milk per day, except filled milk, is disposed of in the marketing area during the month; or

(6) Milk receiving and storage facilities that are on the same premises as a pool plant and are not approved by any regulatory agency for the receiving,

processing or packaging of any fluid milk product for Grade A disposition.

§ 1135.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that does not qualify as a pool plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(d) "Unregulated supply plant" means a supply plant that does not qualify as a pool supply plant and is not an other order plant, a producer-handler plant, or an exempt distributing plant.

(e) "Exempt distributing plant" means a distributing plant defined in § 1135.7(c)(5).

§ 1135.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to milk of a producer that is diverted pursuant to § 1135.13 for the account of the cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples;

(d) Any person, except a cooperative association, with respect to milk that it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such person and which is delivered during the month for the account of such person to the pool plant of another handler or diverted pursuant to § 1135.13, subject to the following conditions:

(1) Such person (who, if qualified pursuant to this paragraph, shall be known as a "proprietary bulk tank handler") must operate a plant located in the marketing area at which milk is processed only into Class II or Class III products; and

(2) Prior to operating as a handler pursuant to this paragraph, such person must submit to the market administrator a statement signed by the applicant and the operator of the pool plant to which the milk will be delivered specifying that the applicant will be the responsible handler for the milk;

(e) Any person in his capacity as the operator of a partially regulated distributing plant;

(f) Any person defined as a producer-handler;

(g) Any person in his capacity as the operator of another order plant described in § 1135.7(c) (2) and (3);

(h) Any person in his capacity as the operator of an unregulated supply plant; and

(i) Any person in his capacity as the operator of an exempt distributing plant.

§ 1135.10 Producer-handler.

"Producer-handler" means any person who meets all of the following conditions:

(a) Operates a dairy farm and a distributing plant at which Grade A milk of his own production is processed and packaged, and from which there is route disposition in the marketing area;

(b) Receives no milk or fluid milk products from any source other than pool plants, other order plants, and bulk tank handlers described in § 1135.9 (b) and (d);

(c) Such receipts do not exceed the lesser of 5 percent of his Class I utilization during the month or 5,000 pounds;

(d) Does not reconstitute or convert milk products into fluid milk products except to increase by the addition of nonfat dry milk the nonfat milk solids content of its own farm production or of fluid milk products received from other sources; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary for his own farm production and the operation of the processing and packaging business are the personal enterprise and risk of such person.

§ 1135.11 [Reserved]

§ 1135.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for disposition as Grade A milk and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1135.9 (b), (c) or (d); or

(3) Diverted from a pool plant in accordance with § 1135.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person who produces milk that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1135.44(a)(8)(iii) and the corresponding step of § 1135.44(b); or

(3) Any person who produces milk that is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order or the other order designates such person as a producer under such order.

§ 1135.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received at a pool plant from a handler described in § 1135.9(c);

(c) Received by a handler described in § 1135.9(c) in excess of the quantity delivered to pool plants;

(d) Received by a handler described in § 1135.9(d) that is not diverted pursuant to paragraph (f) of this section;

(e) Diverted from a pool plant for the account of the handler operating such plant to another pool plant; or

(f) Diverted from a pool plant to a nonpool plant by a pool plant operator or a handler described in § 1135.9 (b) or (d), subject to the following conditions:

(1) Milk of a dairy farmer who was not a "producer" in the preceding month shall not be eligible for diversion until one day's production of milk of such dairy farmer is physically received at a pool plant;

(2) During each of the months of September through February milk of a dairy farmer shall not be eligible for diversion unless during the month one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(3) The total quantity of milk diverted by a cooperative association during the

month may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of the producer milk which the associations cause to be delivered to pool plants or diverted from pool plants during the month if each association has filed a request in writing with the market administrator on or before the first day of the month the agreement is to be effective. This request shall specify the basis for assigning over-diverted milk to the producer deliveries of each cooperative according to a method approved by the market administrator;

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) The operator of a pool plant may divert for its account any milk that is not under the control of a cooperative association or a proprietary bulk tank handler that diverts milk during the month pursuant to subparagraph (f) (3) or (4) of this section. The total quantity so diverted during the month may not exceed 60 percent in the months of September through February, and 70 percent in other months, of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

(6) Any milk diverted in excess of the limits prescribed in subparagraph (f) (3), (4), and (5) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted by the handler on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for.

§ 1135.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in § 1135.9 (c) and (d), pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1135.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1135.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1135.40(b)(1)) for which the handler fails to establish a disposition.

§ 1135.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1135.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1135.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1135.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the cooperative association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk for its members; and

(c) To have its entire activities under the control of its members.

Handler Reports

§ 1135.30 Reports of receipts and utilization.

On or before the seventh day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, the following information for such month:

(a) Each handler, with respect to each of its pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1135.9(c);

(3) Receipts of milk from handlers described in § 1135.9 (d);

(4) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(5) Receipts of other source milk;

(6) Inventories at the beginning and end of the month of fluid milk products specified in § 1135.40(b)(1); and

(7) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1135.9 (b), (c), and (d) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1135.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1135.9 (a), (b), (c), and (d) shall report to the market administrator, in the detail prescribed by the market administrator, the following information showing for each producer for such month:

(1) His/her name and address;

(2) The number of days on which milk was received from such producer;

(3) The total pounds of milk received from such producer;

(4) The average butterfat content of his/her milk;

(5) In the case of cooperative associations, the identity of producers for whom the cooperative association is authorized to collect payment pursuant to § 1135.73; and

(6) The amount and nature of any deductions authorized in writing by the producer to be made from payments due such producer for milk delivered.

(b) Each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1135.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1135.32 Other reports.

In addition to the reports required pursuant to §§ 1135.30 and 1135.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

Classification of Milk

§ 1135.40 Classes of utilization.

Except as provided in § 1135.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1135.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1135.15; and

(6) In shrinkage assigned pursuant to § 1135.41(a) to the receipts specified in § 1135.41(a)(2) and in shrinkage specified in § 1135.41 (b) and (c).

§ 1135.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1135.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b) (1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b) (1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from handlers described in § 1135.9 (c) and (d));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from handlers described in § 1135.9 (c) and (d) and in milk diverted to such plant from another pool plant, except that, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except

that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be zero:

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handlers; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in subparagraphs (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1135.9 (b) or (c) or a proprietary bulk tank handler is the handler pursuant to § 1135.9(d), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage for the cooperative association or the proprietary bulk tank handler shall be zero.

§ 1135.42 Classification of transfers and diversions.

(a) *Transfers and diversions (including deliveries by a handler described in § 1135.9(d)) to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant or from a handler described in § 1135.9(d) to a pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk, and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computation pursuant to § 1135.44(a)(12) and the corresponding step of § 1135.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1135.44(a)(7) and the corresponding step of § 1135.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1135.44(a) (11) or (12) or the corresponding steps of § 1135.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustments when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1135.40.

(c) *Transfers and diversions to producer-handlers and to exempt distributing plants.* Skim milk or butterfat in the following forms that is transferred or diverted by a handler described in § 1135.9 (a), (b), or (d) to a producer-handler under this or any other Federal order or to an exempt distributing plant shall be classified:

(1) As Class I milk, if moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, or an exempt distributing plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in subparagraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in subparagraphs (d)(2) (ii) through (viii) of this section:

(a) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1135.30 for the month within which such transaction occurred; and

(b) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(b) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(d) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(a) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(b) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(a) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(b) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants to the extent possible, first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this paragraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

§ 1135.43 General classification rules.

In determining the classification of producer milk pursuant to § 1135.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1135.30 and shall compute separately for each pool plant, and for each handler pursuant to § 1135.9 (b), (c), and (d) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1135.40, 1135.41, and 1135.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk of a handler pursuant to § 1135.9 (b), (c), or (d) shall be determined separately from the operations of any pool plant operated by such handler.

§ 1135.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1135.9(a) for each of the handler's pool plants separately and of each handler described in § 1135.9 (b), (c), and (d) by allocating the handler's receipts of skim milk and butterfat to its utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1135.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from another order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1135.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1135.40(b)(1) that were in inventory at the beginning of the month in package form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1135.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk

remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1135.40(b)(1) that were not subtracted pursuant to paragraph (a) (4), (5), and (6) of this section; and

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to subparagraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to subparagraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1135.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to subparagraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to subparagraph (a)(1) of this section;

(11) Subject to the provisions of subparagraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (a)(2), (7)(v), and (8) (i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received.

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph (a)(1) exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to subparagraph (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of subparagraphs (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(a) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1135.45(a) or

(b) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all

pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in subparagraph (a)(12)(ii) of this section, should the computations pursuant to subparagraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes the pounds of skim milk in Class II and Class III combined shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in subparagraph (a)(12)(ii) of this section, should the computation pursuant to subparagraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant and from 9(d) handlers according to the classification of such products pursuant to § 1135.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to subparagraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1135.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1135.44(a)(12) and the corresponding step of § 1135.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from another order plant, the class to which such receipts are allocated pursuant to § 1135.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler as described in § 1135.9 (a), (b) and (d) who has shipped fluid milk products or bulk fluid cream products to another order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) Report to each cooperative association that so requests, on or before the 12th day after the end of each month, the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handlers.

Class Prices

§ 1135.50 Class prices.

The class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* For the first 18 months this order is effective, the Class I price shall be the basic formula price for the second preceding month plus $1.50.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1135.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1135.52 [Reserved]

§ 1135.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month:

(a) The Class I price for the following month.

(b) The Class II and Class III prices for the preceding month.

§ 1135.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

§ 1135.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1135.9 (b), (c), and (d) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1135.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to

§ 1135.44(a)(14) and the corresponding step of § 1135.44(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II purusant to § 1135.44(a)(9) and the corresponding step of § 1135.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(7) (i) through (iv) and the corresponding step of § 1135.44(b), excluding receipts of bulk fluid cream products from another order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(7) (v) and (vi) and the corresponding step of § 1135.44(b); and

(f) Add the amount obtained from multiplying the Class I price by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1135.44(a)(11) and the corresponding step of § 1135.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1135.61 Computation of uniform price

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1135.60 for all handlers who filed reports prescribed by § 1135.30 for the month and who made the payments pursuant to § 1135.71 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1135.60(f); and

(d) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price."

§ 1135.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1135.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the appropriate payments made by handlers pursuant to §§ 1135.71, 1135.76, 1135.77 and 1135.78 and out of which he shall make all payments due handlers pursuant to §§ 1135.72 and 1135.77. Payments due from the fund shall be offset by payments due from such handler.

§ 1135.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1135.60.

(2) The sum of:

(i) The value at the uniform price of such handler's receipts of producer milk; and

(ii) The value at the uniform price of other source milk for which a value is computed pursuant to § 1135.60 (f).

§ 1135.72 Payments from the producer-settlement fund.

On or before the 15th day after the end of the month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1135.71(a)(2) exceeds the amount computed pursuant to § 1135.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1135.73 Payments to producers and to cooperative associations.

Each handler shall pay for milk received from producers and cooperative associations as follows:

(a) On or before the last day of the month, each handler shall pay to each producer from whom milk was received during the first 15 days of the month not less than the Class III price per hundredweight for the preceding month.

(b) On or before the 18th day of the following month, each handler shall pay to each producer from whom milk was received during the month, the uniform price per hundredweight as adjusted pursuant to § 1135.74, less:

(1) Payments made pursuant to paragraph (a) of this section;

(2) Deductions for marketing services pursuant to § 1135.86; and

(3) Other proper deductions authorized by such producer in writing.

(c) On or before the second day prior to the dates specified in paragraphs (a) and (b) of this section, each handler shall pay a cooperative association for milk from producers who market their milk through the cooperative and who have authorized the cooperative to collect payments on their behalf an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section.

(d) In the event a handler has not received full payment from the market administrator pursuant to § 1135.72 by the 18th day of the month, the handler may reduce pro rata the payments to producers pursuant to paragraphs (b) and (c) of this section by not more than the amount of such underpayment. Following receipt of the balance due from the market administrator, the handler shall complete payments to producers not later than the next payment date provided under this paragraph.

(e) In making payments to individual producers as required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The month involved, and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of the milk received from the producer;

(3) The minimum rate at which payment is required pursuant to this order;

(4) The rate used in making payment, if such rate is other than the applicable minimum;

(5) The amount (or rate) per hundredweight of each deduction

claimed by the handler, including any deduction claimed under § 1135.86, together with a description of the respective deductions; and

(6) The net amount of the payment to the producer.

§ 1135.74 Producer butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth of one percent variation from 3.5 percent by a butterfat differential rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1135.75 [Reserved]

§ 1135.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1135.30(b) and 1135.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants, handlers pursuant to § 1135.9 (b) and (d), and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price; and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1135.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant, a handler described in § 1135.(b) and (d), and an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to subparagraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1135.60 shall be priced at the uniform price of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest Class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1135.60 for such handler shall include, in lieu of the value of other source milk specified in § 1135.60(f) less the value of such other source milk specified in § 1135.71(a)(2)(ii), a value of milk determined pursuant to § 1135.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1135.7(b), subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1135.30(b) and 1135.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(*c*) The value of milk determined pursuant to § 1135.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to subparagraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1135.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If subparagraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1135.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if subparagraph (b)(1)(iii) of this section applies.

§ 1135.77 Adjustments of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in money due the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1135.78 Charges on overdue accounts.

Any unpaid obligation pursuant to §§ 1135.71, 1135.76, 1135.77, 1135.78, 1135.85, and 1135.86, shall be increased 1 percent each month beginning with the day following the date such obligation was due under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously made pursuant to this section. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Administrative Assessment and Marketing Service Deduction

§ 1135.85 Assessment for order administration.

As his pro rata share of the expenses of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1135.44(a) (7) and (11) and the corresponding steps of § 1135.44(b), except such other source milk that is excluded from the computations pursuant to § 1135.60 (d) and (f); and

(c) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1135.76(a)(2).

§ 1135.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers (other than himself) pursuant to § 1135.73, shall deduct 7 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to all milk received from producers' farms during the month, and shall pay such deductions to the market administrator on or before the 13th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 16th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

Effective date: Sections 1135.1 through 1135.45 shall be effective on and after June 1, 1981, and all remaining provisions shall be effective on and after July 1, 1981.

Dated: May 21, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-15750 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Requirements for Aliens Desiring To Participate in Programs Under Which They Will Receive Graduate Medical Education and Training

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Foreign Exchange visitors coming to the United States to obtain graduate medical education and training are required by law to meet certain requirements. An exemption may be granted for some of these requirements if it is established that a substantial disruption in health services would result because the alien was not permitted to participate in a medical residency or other exchange program. Public Laws 95-83 and 96-538 have amended the law which provides for the exemption. This document amends the related regulation in order to conform to present law. The rule becomes effective immediately because all regulatory changes result directly from the amending legislation.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536, Telephone: (202) 633-3048.

For Specific Information: Thomas W. Simmons, Adjudications Division, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Health Professions Educational Assistance Act of 1976 Public Law 94-484 (90 Stat. 2300) created a number of requirements in order for an alien exchange visitor to qualify for a nonimmigrant visa for the purpose of participating in a program of graduate medical education and training. These requirements were added as subparagraphs (A) through (D) of section 212(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(1)). The Health Professions Educational Assistance Act also provided a waiver of these requirements if compliance with them would cause substantial disruption in the health services rendered in a training program if the alien physician was not permitted to enter the United States (8 U.S.C. 1182(j)(L)(A)). Granting of the exemption was conditioned upon a finding that approving it would not increase the total number of aliens participating in a program of graduate medical education and training to a level greater than that participating on January 10, 1977. The exemption was available only until December 31, 1980.

On August 1, 1977, Public Law 95-83 (91 Stat. 394) amended the Health Professions Educational Assistance Act of 1976. The substantial disruption exemption was changed to apply only to subparagraphs A and B of section 212(j)(1) of the Immigration and Nationality Act and the effective date of section 212(j) was changed to January 10, 1978. The latter modification caused the limit on the number of exemptions permitted to change to a number that would not exceed the level of aliens participating in such programs on January 10, 1978. Public Law 96-538 (94 Stat. 3183) extended the substantial disruption exemption provision until December 31, 1981 by amending section 212(j)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(2)(A)).

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and

effective date is not required because the rule is editorial in nature and merely reflects date changes mandated by Public Laws 95–83 and 96–538.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is exempt from the requirements of Executive Order 12291 as provided for by Section 8(a)(2) because the editorial date changes are mandated by statute.

For the reasons stated in the preamble, Title 8 of the Code of Federal Regulations is amended as set forth below:

PART 214—NONIMMIGRANT CLASSES

In § 214.2, paragraphs (j)(2) (i) and (ii) are revised to read as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

* * * * *

(j) * * *

(2) *Eligibility requirements for section 101(a)(15)(J) classification for aliens desiring to participate in programs under which they will receive graduate medical education or training*—(i) *Requirements.* Any alien coming to the United States as an exchange visitor to participate in a program under which he/she will receive graduate medical education or training, or any alien seeking to change his/her nonimmigrant status to that of an exchange visitor on Form I–506 for that purpose, must have passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services), and must be competent in oral and written English; and shall submit a valid Form IAP–66, completely executed.

(ii) *Exemptions.* From January 10, 1978 until December 31, 1981, any alien who seeks to come to the United States as an exchange visitor to participate in an accredited program of graduate medical education or training, or any alien who seeks to change his/her nonimmigrant status for such purpose, may be admitted to participate in such program without regard to the requirements stated in subparagraphs (A) and (B) of section 212(j)(1) of the Act if there would be substantial disruption in the health services provided in such program because the alien was not permitted to enter the United States or change his/her nonimmigrant status to participate in the program on account of his/her inability to comply with such requirements: *Provided* that an exemption will not increase the total number of aliens then participating in such programs to a level greater than that participating on January 10, 1978.

* * * * *

(Secs. 103 and 214; 8 U.S.C. 1103 and 1184)

Dated: May 15, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–15925 Filed 5–27–81; 8:45 am]

BILLING CODE 4410–10–M

---

8 CFR Part 280

Imposition and Collection of Fines; Application for Mitigation or Remission of Fine

AGENCY: Immigration and Naturalization, Justice.

ACTION: Final rule.

SUMMARY: The Service is amending its rule regarding filing applications for relief from administrative fines imposed under the Immigration and Nationality Act. The rule allows an applicant to file for relief from the fine imposed whether or not the applicant previously responded to the Service's notice of intent to impose a fine. This clarifies the former ambiguity regarding the right to file for relief.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048

For specific information—Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633–2725

SUPPLEMENTARY INFORMATION: Sections 239, 254, 255, 256, 271, and 273 of the Immigration and Nationality Act, 8 U.S.C. 1229, 1284, 1285, 1286, 1321 and 1323 provide for the relief from administrative fines imposed upon owners, masters, commanding officers, agents, charterers, and consignees of vessels or aircraft where they are found to be in violation of the Act. The procedures for the imposition, collection, and relief from such administrative fines are set out in 8 CFR Part 280. Specifically, 8 CFR 280.12 prescribes the procedures to be used in responding to the Service's notice of intent to fine; and 8 CFR 280.51 describes the application procedure for mitigation or remission of the fine once imposed by the district director.

8 CFR 280.51(a), was unclear as to whether the application for relief from the imposition of an administrative fine could be filed if the applicant had not previously responded to the Service's notice of intent to impose a fine. This final rule clarifies the ambiguity by setting out the procedures which an applicant may follow in applying for relief:

(1) The applicant may file for relief at the time a response is made to the Notice of Intention to Fine per 8 CFR 280.12; or

(2) the applicant may file for relief within 30 days after receiving the district director's decision to impose a fine, whether or not the applicant previously responded to the notice of intent to impose the fine.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is an interpretative rule promulgated to clarify a former ambiguity in the regulation.

This rule is not a major rule as defined by subsection 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

Certification

In accordance with 5 U.S.C. 605(b), the Acting Commissioner of Immigration and Naturalization certifies that the rule will not have significant economic impact on a substantial number of small entities.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 280—IMPOSITION AND COLLECTION OF FINES

In § 280.51, paragraph (a) is revised to read as follows:

§ 280.51 Application for mitigation or remission.

(a) *When application may be filed.* An application for mitigation or remission of a fine may be filed as provided under § 280.12 of this part; or, within 30 days after the date of receipt of the district director's decision to impose a fine whether or not the applicant responded to the Notice of Intention to Fine.

* * * * *

(Sec. 103, 239, 254, 255, 256, 271, 273 and 280; 8 U.S.C. 1103, 1229, 1284, 1285, 1286, 1321, 1323 and 1330)

Dated: May 11, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-15943 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-10-M

---

8 CFR Parts 299, 499

Immigration Forms and Nationality Forms; Revised Issue Dates

AGENCY: Immigration and Nationalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule updates the edition dates of the various prescribed forms used by the Immigration and Naturalization Service and the public. It serves as a notice to the public of the most recent edition dates of the forms currently in use.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION:

For General Information—Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone (202) 633-3048

For Specific Information—Hunter Kenney, Jr., Management Analyst, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone (202) 633-3295

SUPPLEMENTARY INFORMATION: The Service is publishing revised edition dates of the various prescribed forms currently in use for the general information of the public. Parts 299 Immigration Forms, and 499, Nationality Forms are revised to show the current edition dates of the prescribed forms.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule is editorial in nature and merely revises the edition dates of the forms in use.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities because the rule merely makes editorial changes in edition dates of Service forms.

This final rule is not a major rule within the definition of Executive Order 12291 and it merely makes editorial date changes to existing enumerated forms of the Service.

Accordingly, chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 299—IMMIGRATION FORMS

Section 299.1 is revised to read as follows:

§ 299.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B. To the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

Form No., title and description

AR-4 (8-30-72)—Alien Registration Fingerprint Chart.
AR-11 (3-21-79)—Alien's Change of Address Card.
CDC 4.417 (11-74)—(Formerly HSM-240 or PHS-124) (Medical Certificate).
IAP-66 (10-78)—Certificate of Eligibility for Exchange Visitor Status.
FD-258 (4-25-72)—Applicant Card.
OF-157 (5-78)—Medical Examination of Applicants for United States Visas.
G-27 (10-13-76)—Request for Recognition to Represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G-28 (10-25-79)—Notice of Entry of Appearance as Attorney or Representative.
G-296 (9-12-58)—Report of Violation.
G-297 (5-28-70)—Order to Seize Aircraft.
G-298 (9-12-58)—Public Notice of Seizure.
G-325A (6-18-80)—Biographic information.
G-325C (5-1-79)—Biographic information.
G-639 (6-20-80)—Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).
G-641 (6-20-80)—Application for Verification of Information from Immigration and Naturalization Records.
G-652 (2-1-78)—Affidavit of Identity.
G-657 (6-15-80)—Privacy Act Information Request.
G-658 (11-1-75)—Record of Information Disclosure (Privacy Act).
I-17 (6-20-80)—Petition for Approval of School for Attendance by Nonimmigrant Alien Students.
I-20AB (12-15-79)—Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).
I-38 (7-25-77)—Decision of the Immigration Judge.
I-39 (9-22-78)—Decision of the Immigration Judge.
I-53 (1-1-81)—Alien Address Report.
I-67 (9-18-58)—Inspection Record (Hungarian Parolee).
I-68 (2-10-70)—Canadian Border Boat Landing Card.
I-79 (5-15-70)—Notice of Intention to Fine under Immigration and Nationality Act.
I-90 (4-4-80)—Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-551.
I-92 (6-1-73)—Aircraft/Vessel Report.
I-94 (6-1-79)—Arrival-Departure Record.
I-95AB (9-1-64)—Crewman's Landing Permit.
I-99 (8-28-58)—Notice of Revocation and Penalty.
I-102 (12-15-79)—Application by Nonimmigrant Alien for Replacement of Arrival Document.
I-122 (5-4-79)—Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.
I-126 (6-26-78)—Report of Status by Treaty Trader or Investor.
I-129B (2-25-76)—Petition to Classify Nonimmigrant as Temporary Worker or Trainee.
I-129F (2-28-80)—Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-130 (10-26-79)—Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
I-131 (10-25-79)—Application for Issuance or Extension of Permit to Reenter the United States.
I-134 (9-30-80)—Affidavit of Support.
I-138 (11-5-70)—Subpoena.
I-140 (6-20-80)—Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
I-141 (4-21-69)—Medical Certificate.
I-147 (1-26-56)—Notice of Temporary Exclusion from the United States.
I-151 (7-1-72)—Alien Registration Receipt Card.
I-171C (9-1-77)—Notice of Approval of Nonimmigrant Visa Petition or of Extension of Stay of H or L Alien.
I-175 (4-1-75)—Application for Nonresident Alien Canadian Border Crossing Card.
I-180 (9-1-71)—Notice of Voidance of Form I-186.
I-181 (11-26-79)—Memorandum of Creation of Record of Lawful Permanent Residence.
I-184 (4-1-58)—Alien Crewman Landing Permit and Identification Card.
I-185 (1-1-75)—Nonresident Alien Canadian Border Crossing Card.
I-186 (6-1-72)—Nonresident Alien Mexican Border Crossing Card.
I-190 (3-1-75)—Application for Nonresident Alien Mexican Border Crossing Card.
I-191 (6-20-80)—Application for Advance Permission to Return to Unrelinquished Domicile.
I-192 (6-20-80)—Application for Advance Permission to Enter as Nonimmigrant.
I-193 (1-25-80)—Application for Waiver of Passport and/or Visa.
I-196 (10-26-79)—Application for U.S. Citizen Identification Card.
I-197 (5-1-76)—U.S. Citizen Identification Card.
I-202 (Rev. 11-15-79)—Authorization for Removal.
I-212 (Rev. 11-18-79)—Application for Permission to Reapply for Admission into the United States after Deportation or Removal.
I-221 (71-1-73)—Order to Show Cause and Notice of Hearing.
I-221S (8-1-77)—Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.
I-243 (9-27-75)—Application for Removal.
I-246 (6-20-80)—Application for Stay of Deportation.
I-256A (6-20-80)—Application for Suspension of Deportation.
I-259 (10-1-69)—Notice to Detain, Deport, Remove or Present Aliens.
I-259A (2-12-55)—Agreement by Transportation Line to Assume

Responsibility for Removal of Aliens. (One-time basis.)
I-259B (4-1-70)—Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis.)
I-260 (6-1-73)—Notice to Take Testimony of Witness.
I-284 (12-20-66)—Notice to Transportation Line Regarding Deportation and Detention Expenses of Detained Alien.
I-286 (4-1-79)—Notification to Alien of Conditions of Release or Detention.
I-287 (4-10-72)—Special Care and Attention for Alien.
I-288 (2-20-62)—Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation.
I-290A (10-31-79)—Notice of Appeal to the Board of Immigration Appeals.
I-290B (1-15-80)—Notice of Appeal to Regional Commissioner.
I-290C (9-30-66)—Notice of Certification.
I-292 (10-20-79)—Decision.
I-296 (3-15-76)—Notice to Alien Ordered Excluded by Immigration Judge.
I-305 (5-1-76)—Receipt of Immigration Officer—United States Bonds or Notes, or Cash, Accepted as Security on Immigration Bond.
I-310 (4-16-62)—Bond for Payment of Sums and Fines Imposed under Immigration and Nationality Act (Term or Single Entry).
I-312 (4-15-76)—Designation of Attorney in Fact.
I-323 (3-15-77)—Notice—Immigration Bond Breached.
I-328 (6-5-74)—Order on Motion to Reopen.
I-342 (4-25-79)—Determination of the Immigration Judge with Respect to Custody.
I-351 (6-1-74)—Bond Riders.
I-352 (10-14-76)—Immigration Bond.
I-356 (9-27-75)—Request for Cancellation of Public Charge Bond.
I-391 (3-14-77)—Notice—Immigration Bond Cancelled.
I-408 (9-21-78)—Application to Pay off or Discharge Alien Crewman.
I-410 (5-1-75)—Receipt for Crew List.
I-418 (7-1-74)—Passenger List—Crew List.
I-420 (3-15-67)—Agreement (land-border) Between Transportation Line and United States.
I-421 (6-29-58)—Agreement (overseas) Between Transportation Line and United States.
I-425 (3-24-77)—Agreement for Preinspection at Places Outside United States.
I-426 (5-1-65)—Immediate and Continuous Transit Agreement Between a Transportation Line and United States of America (special direct transit procedure).
I-444 (8-18-80)—Mexican Border Visitors Permit.
I-485 (11-26-79)—Application for Status as Permanent Resident.
I-485A (11-26-79)—Application by Cuban Refugee for Permanent Residence.
I-485C (10-26-79)—Application for Creation of a Record of Lawful Admission for an Indochina Refugee.
I-486A (12-29-79)—Medical Examination and Immigration Interview.
I-506 (10-22-79)—Appliation for Change of Nonimmigrant Status.
I-508 (9-27-75)—Waiver of Rights, Privileges, Exemptions, and Immunities.
I-508F (6-1-70)—Waiver of Rights, Privileges, Exemptions, and Immunities (Under Sec. 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property).
I-509 (8-1-70)—Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Nonimmigrant.
I-510 (7-24-67)—Guarantee of Payment.
I-512 (6-15-79)—Authorization for Parole or Conditional Entry of an Alien into the United States.
I-526 (12-22-79)—Request for Determination that Prospective Immigrant is an Investor.
I-538 (10-1-80)—Application by Nonimmigrant Student (F-1) for Extension of Stay, School Transfer or Permission to Accept or Continue Employment.
I-539 (10-15-80)—Application to Extend Time of Temporary Stay.
I-551 (Jan. 77)—Alien Registration Receipt Card.
I-566 (9-21-79)—Application for Employment by a (G-4) Spouse or Unmarried Son or Daughter of an Official of an International Organization.
I-570 (12-18-79)—Application for Issuance or Extension of Refugee Travel Document.
I-571 (11-1-79)—Refugee Travel Document.
I-589 (9-1-74)—Request for Asylum in the United States.
I-590 (5-1-80)—Registration for Classification as Refugee.
I-591 (5-1-80)—Assurance by a United States Sponsor in Behalf of an Applicant for Refugee Status.
I-600 (11-20-79)—Petition to Classify Orphan as an Immediate Relative.
I-601 (6-20-80)—Application for Waiver of Grounds of Excludability under Section 212 (g), (h), or (i) of the Immigration and Nationality Act.
I-612 (6-20-80)—Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.
ICAO—International Civil Aviation Organization's General Declaration.
MA 7-50 (4-70)—Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7-50A)). (Part II—Job Offer for Alien Employment (MA 7-50B)).
7507 (3-69)—Bureau of Customs' General Declaration.

PART 499—NATIONALITY FORMS

Section 499.1 is revised to read as follows:

§ 499.1 Prescribed forms.

The forms listed below are hereby prescribed for use in compliance with the provisions of this Subchapter C to the maximum extent feasible the forms used should bear the edition date shown or a subsequent edition date.

Form No., title and description

G-639 (6-20-80)—Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).
G-641 (1-31-80)—Application for Verification of Information from Immigration and Naturalization Records.
G-652 (2-1-78)—Affidavit of Identity.
G-657 (6-15-80)—Privacy Act Information Request.
G-658 (11-1-75)—Record of Information Disclosure (Privacy Act).
I-138 (11-5-70)—Subpoena.
N-3 (3-1-80)—Requisition for Forms and Binders.
N-4 (2-1-71)—Monthly Report—Naturalization Papers Forwarded.
N-5 (12-24-52)—Continuation Sheet of Monthly Report—Naturalization Papers Forwarded.
N-7 (9-18-69)—Quarterly Abstract of Collections of Naturalization Fees.
N-12 (6-1-72)—Penalty Envelope (to be addressed to any office of Service).
N-13 (9-1-72)—Penalty Envelope (Large—to be addressed to any office of Service).
N-300 (10-15-79)—Application to File Declaration of Intention.
N-305 (3-15-79)—Form Letter Notifying Alien That Form N-300 has been Forwarded to the Clerk of the Court.
N-315 (3-1-80)—Declaration of Intention.
N-350 (9-27-75)—Application to Renounce Danish Citizenship.
N-351 (12-24-52)—Renunciation of Danish Citizenship.
N-400 (11-1-80)—Application to File Petition for Naturalization.
N-400A (8-1-68)—Supplement to Application to file Petition for Naturalization (under Sec. 324(a) or 327, Immigration and Nationality Act).
N-400B (1-1-66)—Supplement to Application to File Petition for Naturalization (by a seaman, under Sec. 330 of the Immigration and Nationality Act).
N-401 (9-27-75)—Preliminary Form to take Oath of Allegiance (by woman formerly a citizen, under Sec. 324(c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-402 (3-30-80)—Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322, Immigration and Nationality Act).
N-403 (12-24-52)—Request to have Petition for Naturalization marked "Void."
N-404 (8-1-65)—Request for Withdrawal of Petition for Naturalization.
N-405 (11-27-78)—Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-407 (10-1-78)—Petition for Naturalization (in behalf of a child, under Sec. 322, Immigration and Nationality Act).
N-408 (4-5-79)—Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under Sec. 324(c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410 (11-26-79)—Motion for Amendment of Petition (application).
N-414 (12-15-44)—Acknowledgment of Filing Petition for Naturalization.
N-414a (7-15-65)—Acknowledgment of Filing Petition for Naturalization and Index Card.

N-425 (6-1-70)—Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N-426 (5-12-77)—Certification of Military or Naval Service.
N-440 (3-15-61)—Certificate of Examination.
N-445 (5-6-76)—Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
N-445B (9-27-75)—Notice to Petitioner to Appear in Court for Final Hearing on Petition for Naturalization Filed in Behalf of his Natural or Adopted Child, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
N-451 (9-27-75)—Affidavits of Witnesses (to petition for naturalization).
N-455 (12-1-78)—Application for Transfer of Petition for Naturalization.
N-458 (9-27-75)—Application to Correct Certificate of Naturalization.
N-459 (12-15-58)—Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-460 (6-1-65)—Notice to take Depositions.
N-462A (6-6-78)—Interrogatories in Depositions of Witnesses.
N-470 (11-27-79)—Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N-472 (4-28-72)—Approval of Application to Preserve Residence for Naturalization Purposes.
N-480 (2-5-68)—Naturalization Petitions Recommended to be Granted (and) Order of Court Granting Petitions for Naturalization.
N-481 (9-20-67)—Naturalization Petitions Recommended to be Granted. (Continuation Sheet)
N-484 (2-5-68)—Naturalization Petitions Recommended to be Denied (and) Order of Court Denying Petitions for Naturalization.
N-485 (2-5-68)—Naturalization petitions Recommended to be Granted (on behalf of children) (and) Order of Court Granting Petitions for Naturalization.
N-550 (12-1-69)—Certificate of Naturalization.
N-565 (11-26-79)—Application for New Naturalization or Citizenship Paper.
N-568 (8-15-56)—Form Letter Stating Special Certificate of Naturalization has been Forwarded.
N-576 (9-27-75)—Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants.
N-577 (11-27-79)—Application for a Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State.
N-578 (10-3-62)—Special Certificate of Naturalization.
N-600 (11-26-79)—Application for Certificate of Citizenship.

(Sec. 103; 8 U.S.C. 1103)

Dated: May 14, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-15930 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Commission Review Procedures for Power Reactor Operating Licenses; Immediate Effectiveness Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission hereby amends its review procedures for Licensing Board decisions granting nuclear power reactor operating license applications by requiring direct Commission review of those decisions to determine whether their effectiveness should be delayed pending normal agency appellate review. The amendment eliminates the Atomic Safety and Licensing Appeal Board review directed by Appendix B to Part 2 of the Commission's rules of practice. The amendment is intended to reduce the length of time between a Licensing Board decision permitting fuel loading and low-power testing or full-power operation and the Commission's decision on whether to permit the Licensing Board's decision to become effective.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Esq., Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202-634-1465).

SUPPLEMENTARY INFORMATION: Appendix B to Part 2 was adopted some one-and-one-half years ago as an interim response to the Three Mile Island (TMI) accident in order to increase Commission supervision of adjudicatory licensing decisions involving power reactors. Under Appendix B, an initial decision by an Atomic Safety and Licensing Board favoring grant of a nuclear power reactor construction permit or operating license did not become effective until both the Atomic Safety and Licensing Appeal Board and the Commission had reviewed that decision and decided whether it should become effective. The review process contained in Appendix B nominally postponed the issuance of licenses for close to three months beyond a favorable Licensing Board decision.

Following the Three Mile Island accident, the Commission reassigned most of the staff who had been reviewing applications seeking authorization to construct or operate nuclear power reactors to other tasks, such as investigating the causes of the accident and developing new regulations based on the lessons learned. As a direct result of these reassignments construction of a number of plants will be finished prior to any effective decision by the Commission on the issuance of an operating license. On April 3, 1981, the Commission published in the **Federal Register** proposed alternative modifications of Appendix B designed to expedite the review process. 46 FR 20215. Two alternatives were set out for public comment: Option A, which retained a period of deferred effectiveness pending expedited Commission review of favorable Licensing Board decisions; and Option B, which would grant immediate effectiveness to favorable Licensing Board decisions while retaining the Appeal Board and Commission review process of Appendix B. The alternatives were designed to reduce or eliminate the delay between completion of construction and issuance of an operating license following a favorable Licensing Board decision.

Approximately 90 comments on the proposed rule were received from interested individuals and organizations, divided along two distinct lines which may be characterized as intervenor- and nuclear industry-oriented positions. Intervenors, over two-thirds of the commenters, favored retention of Appendix B, generally citing concerns that elimination of Appendix B reviews would provide less assurance that TMI-related policy concerns would be included in decisions. Nuclear industry commenters, meanwhile, favored Option B of the proposed alternative modifications, generally citing the thoroughness of the review process before Appendix B takes hold. These commenters often stated a strong preference for full reinstatement of the immediate effectiveness rule. Several industry commenters also urged reinstatement of the immediate effectiveness rule for construction permits, a matter that is the subject of another, separate rulemaking.[1]

SECY 81-307, a brief analysis of the public comments, was prepared for the Commissioners by the Office of the General Counsel and, along with a copy

[1] See 45 FR 34279 (May 22, 1980).

of all comments received, is available for public inspection at the NRC Public Document Room, located at 1717 H Street, NW., Washington, D.C.

The Commission has reassessed its Appendix B process in light of the need for expedited decisions in a number of pending operating license cases. It has concluded that the full Appendix B reviews of operating license decisions are not necessary. Therefore, some changes to Appendix B are warranted in order to avoid unwarranted and expensive delays.

The commission has decided to adopt the proposed Option A. This decision is based upon a balancing of two competing factors: (1) The benefit of direct Commission consideration of nuclear power reactor operating licenses; and (2) the costs associated with postponing operation of completed plants.

This amendment does not compromise the Commission's commitment to the protection of public health and safety or to a fair hearing process. Thorough technical safety reviews of license applications by the NRC staff and the Advisory Committee on Reactor Safeguards, the availability of public hearings on license applications, and the Commission's inherent supervisory authority form the basis of the network of procedural safeguards intended to implement this commitment to a fair decision process and public health and safety. These are all unaffected by the instant rule change. When warranted, stays of effectiveness remain available pursuant to the standard procedure and criteria of 10 CFR 2.788. The Commission review provided for in this amendment will focus narrowly on significant policy issues. The Commission does not intend to review the entire record developed during the licensing proceeding.

Because these amendments relate solely to procedural matters and serve to relieve procedural restrictions on licensees, the Commission has determined to make them effective upon publication in the **Federal Register.**

Finally, the format of the rule has been revised to conform to **Federal Register** guidance on proper format, removing Appendix B and incorporating the Appendix B procedures, as amended, into 10 CFR 2.764.

Commissioner Ahearne's Dissenting Views

The Appendix B procedures were developed so that the Commission could decide issues for which no guidance had been given because the TMI-related reviews had not been completed. Modification of the Appendix B procedure for operating licenses is now appropriate because of the progress which the NRC has made in incorporating into its safety requirements lessons learned from review of the accident at Three Mile Island.[2]

For areas in which the Commission has provided clear guidance to the Boards, I believe that short Commission review is not necessary and serves only to provide the appearance of Commission involvement. For areas in which the Commission has not provided such guidance, a short review will not suffice for reaching a Commission conclusion and I expect a lengthy period to elapse between Board decision and Commission decision. Consequently, I find little real value in adopting a version of the Appendix B procedure which requires the Commission to formally grant the license based on a brief review. Although the Commission's addition of a provision allowing parties to comment is helpful because it should focus the Commission's attention on areas of concern, I still do not support Option A.

Since the Commission has addressed TMI-related requirements, I would have reinstated the immediate effectiveness of Licensing Board decisions for operating licenses. I continue to support a procedure which would provide the Commission an opportunity to examine a decision relatively soon after a decision is issued. This would allow the Commission to address any major misunderstanding of its guidance as well as to identify any substantial weaknesses in the Licensing and Appeal Boards' decisions.

Therefore, I would have adopted Option B which would have restored immediate effectiveness to Licensing Board decisions for operating licenses while retaining the Appeal Board and Commission stay review under current Appendix B procedures.

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 rule affects the Commission's Rules of Practice and procedures by permitting expedition of the licensing process.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of the United States Code, notice is hereby given of the adoption of the following amendments to 10 CFR Part 2.

Appendix B to Part 2 [Removed]

1. 10 CFR Part 2 is amended by removing Appendix B.

2. 10 CFR 2.764 is amended by revising paragraphs (a) and (b) to read as follows and by adding new paragraphs (e) and (f).

§ 2.764 Immediate effectiveness of certain initial decisions.

(a) Except as provided in paragraphs (c) through (f) of this section, an initial decision directing the issuance or amendment of a construction permit, a construction authorization, or an operating license shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) Except as provided in paragraphs (c) through (f) of this section, the Director of Nuclear Reactor Regulation or Director of Nuclear Material Safety and Safeguards, as appropriate, notwithstanding the filing of exceptions, shall issue a construction permit, a construction authorization, or an operating license, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

* * * * *

(e) Construction Permits

(1) Atomic Safety and Licensing Boards

(i) Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. The Boards' decisions concerning construction permits shall not become effective until the Appeal Board and Commission actions outlined below in paragraphs (2) and (3) have taken place.

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. In this regard it should be understood that as a result of analyses still under way the Commission may change its present regulations and regulatory policies in

[2] The Commission itself provided guidance on TMI-related requirements for operating licenses (45 FR 41738 (June 20, 1980); 45 FR 85236 (Dec. 24, 1980)) and currently public comment is being requested on a proposed rule codifying those requirements (46 FR 26491 (May 13, 1981)).

important respects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application. As provided in paragraph (e)(3) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any aspects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but, absent specific Commission directive, such policy issues shall not be the subject of discovery, examination, or cross-examination.

(2) Atomic Safety and Licensing Appeal Boards

(i) Within sixty days of the service of any Licensing Board decision that would otherwise authorize issuance of a construction permit, the Appeal Board shall decide any stay motions that are timely filed.[1] For the purpose of this policy, a "stay" motion is one that seeks to defer the effectiveness of a Licensing Board decision beyond the period necessary for the Appeal Board and Commission action described herein. If no stay papers are filed, the Appeal Board shall, within the same time period (or earlier if possible), analyze the record and construction permit decision below on its own motion and decide whether a stay is warranted. It shall not, however, decide that a stay is warranted without giving the affected parties an opportunity to be heard.

(ii) In deciding these stay questions, the Appeal Board shall employ the procedures set out in 10 CFR 2.788. However, in addition to the factors set out in 10 CFR 2.788(e), the Board will give particular attention to whether issuance of the permit prior to full administrative review may: (A) Create novel safety or environmental issues in light of the Three Mile Island accident; or (B) prejudice review of significant safety or environmental issues. In addition to deciding the stay issue, the Appeal Board will inform the Commission if it believes that the case raises issues on which prompt Commission policy guidance, particularly guidance on possible changes to present Commission regulations and policies, would advance the Board's appellate review. If the Appeal Board is unable to issue a decision within the sixty-day period, it should explain the cause of the delay to the Commission. The Commission shall thereupon either allow the Appeal Board the additional time necessary to complete its task or take other appropriate action, including taking the matter over itself. The running of the sixty-day period shall not operate to make the Licensing Board decision effective. Unless otherwise ordered by the Commission, the Appeal Board will conduct its normal appellate review of the Licensing Board decision after it has issued its decision on any stay request.

(3) Commission

(i) Reserving to itself the right to step in at any earlier stage of the proceeding, the Commission will, upon receipt of the Appeal Board decision on whether the effectiveness of a Licensing Board construction permit decision should be further delayed, review the matter on its own motion, applying the same criteria. The parties shall have no right to file pleadings with the Commission with regard to the Appeal Board's stay decision unless requested to do so.

(ii) The Commission will seek to issue a decision in each construction permit case within 20 days of receipt of the Appeal Board's stay decision. If the Commission does not act finally within that time, it will state the reason for its further consideration and indicate that time it anticipates will be required to reach its decision. In such an event, if the Appeal Board has not stayed the Licensing Board's decision, the initial decision will be considered stayed pending the Commission's decision.

(iii) In announcing the result of its review of any Appeal Board stay decision, the Commission may allow the proceeding to run its ordinary course or give whatever instructions as to the future handling of the proceeding it deems appropriate (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

(f) Operating Licenses

(1) Atomic Safety and Licensing Boards

(i) Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. The Board's decisions concerning fuel loading and low-power testing operating licenses or full-power operating licenses shall not become effective until the Commission actions outlined below in paragraph (f)(2) of this section have taken place.

(ii) In reaching their decisions the Boards should interpret existing regulations and regulatory policies with due consideration to the implications for those regulations and policies of the Three Mile Island accident. In this regard it should be understood that as a result of analyses still under way the Commission may change its present regulations and regulatory policies in important respects and thus compliance with existing regulations may turn out to no longer warrant approval of a license application. As provided in paragraph (f)(2) of this section, in addition to taking generic rulemaking actions, the Commission will be providing case-by-case guidance on changes in regulatory policies in conducting its reviews in adjudicatory proceedings. The Boards shall, in turn, apply these revised regulations and policies in cases then pending before them to the extent that they are applicable. The Commission expects the Licensing Boards to pay particular attention in their decisions to analyzing the evidence on those safety and environmental issues arising under applicable Commission regulations and policies which the Boards believe present serious, close questions and which the Boards believe may be crucial to whether a license should become effective before full appellate review is completed. Furthermore, the Boards should identify any aspects of the case which in their judgment, present issues on which prompt Commission policy guidance is called for. The Boards may request the assistance of the parties in identifying such policy issues but,

[1] Such motions shall be filed as provided by 10 CFR 2.788. No request need be filed with the Licensing Board prior to filing with the Appeal Board. Cf. Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), ALAB-338, 4 NRC 10 (1976). The sixty-day period has been selected in recognition of two facts: first, allowing time for service by mail, close to thirty days may elapse before the Appeal Board has all the stay papers before it; second, the Appeal Board may find it necessary to hold oral argument.

absent specific Commission directive, such policy issues shall not be the subject of discovery, examination, or cross-examination.

(2) Commission.

(i) Reserving the power to step in at an earlier time, the Commission will, upon receipt of the Licensing Board decision authorizing issuance of an operating license, review the matter on its own motion to determine whether to stay the effectiveness of the decision. An operating license decision will be stayed by the Commission if it determines that it is in the public interest to do so, based on a consideration of the gravity of the substantive issue, the likelihood that it has been resolved incorrectly below, the degree to which correct resolution of the issue would be prejudiced by operation pending review, and other relevant public interest factors.

(ii) For fuel loading and low power operating license decisions, the parties shall have no right to file pleadings with the Commission with regard to this Commission review unless requested to do so by the Commission, except that no extensive stay shall be issued without giving the affected parties an opportunity to be heard.

(iii) For full power operating license decisions, consistent with the target schedule set forth below, the parties may file brief comments with the Commission pointing out matters which, in their view, pertain to the immediate effectiveness issue. To be considered, such comments must be received within 10 days of the Board decision. However, the Commission may dispense with comments by so advising the parties. No extensive stay shall be issued without giving the affected parties an opportunity to be heard.

(iv) The Commission intends to issue a decision regarding each fuel loading and low power testing license within 10 days of receipt of the Licensing Board's decision and regarding each full power operating license within 30 days of receipt of the Licensing Board's decision. The Licensing Board's initial decision will be considered stayed pending the Commission's decision.

(v) In announcing a stay decision, the Commission may allow the proceeding to run its ordinary course or give instructions as to the future handling of the proceeding (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may no longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

(vi) In operating license cases, the Commission's review under this section is without prejudice to Appeal Board or other Commission decisions, including decisions on stay requests filed under 10 CFR 2.788.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841))

Dated at Washington, D.C., this 22d day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15906 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

---

10 CFR Part 51

Alternative Site Issues in Operating License Proceedings

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to provide that, for National Environmental Policy Act (NEPA) purposes, alternative sites will not be considered in operating license reviews for nuclear power plants and need not be addressed by operating license applicants in their environmental reports submitted to the NRC at the operating license stage. After review of public comment the Commission has concluded that by the time the operating license application has been submitted to the NRC staff for review, the alternative of siting the nuclear power plant elsewhere is no longer likely to be a reasonable alternative for the purposes of NEPA.

EFFECTIVE DATE: June 25, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7678.

SUPPLEMENTARY INFORMATION: On April 9, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 24168) a proposed amendment to its regulations, 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," to provide procedures and performance criteria for the review of alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposed rule specified (1) information requirements for applying for an alternative site review by the Commission, (2) the timing of Commission review, (3) the region of interest to be considered in selecting sites, (4) criteria for the selection of sites, (5) criteria for comparing a proposed site with alternative sites, and (6) requirements for reopening an alternative site decision. Minor conforming amendments to 10 CFR Parts 2 and 50, "Rules of Practice for Domestic Licensing Proceedings" and "Domestic Licensing of Production and Utilization Facilities," respectively, were also proposed. Interested persons were invited to submit written comments on the proposed amendments by June 9, 1980.

Twenty-seven letters of public comment were received on the proposed amendments. The Commission has carefully considered the comments regarding the proposed requirements for reopening the alternative site question after a favorable decision at the construction permit or early site review stage (Item 6 above) and has decided to take final action on this issue, insofar as it relates to operating license (OL) proceedings, while the staff continues working on the other issues raised in the notice of proposed rulemaking. For the reasons discussed below, the Commission has determined that alternative site issues decided by the Commission and its adjudicatory tribunals (Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards) as part of construction permit (CP) or early site review proceedings may not be reopened at the operating license stage.[1] The proposed rule has been revised accordingly. In addition, a minor conforming amendment to 10 CFR 51.21 makes clear that applicants for operating licenses need not address alternative sites in environmental reports submitted to the NRC at the operating license stage.

Paragraph VIII.1 of the proposed Appendix A to 10 CFR Part 51 provided that "[A] reopening and reconsideration of the alternative site decision after a final limited work authorization or construction permit will be permitted only upon a reasonable showing that there exists significant new information

[1] The Commission will address the standards for reopening the alternative site issue prior to the OL stage when it considers the remainder of the proposed rule.

that could substantially affect the earlier decision."[2] The rationale and discussion supporting this aspect of the proposed rule provided that:

At some point after issuance of the CP, the alternative of siting the nuclear power plant elsewhere likely will no longer be a reasonable alternative for the purposes of NEPA. That is, there is a point where comparative forward costs and the temporal proximity to the provision of needed (or desirably substitutable) power so favor the partially constructed site that, there likely is no real possibility that the nonsafety-related considerations at an alternative site would be obviously superior to the proposed site. At that point, the reconsideration of alternative sites likely would not be required, unless the proposed site has been judged unsuitable for some safety or environmental reason.

Of the twenty-seven commenters, six, all representing the nuclear industry, addressed this particular aspect of the proposed rule in their letters. Two commenters recommend that the proposed rule be clarified to provide that the "new information" required to support a reopening of the alternative site decision should be limited to new information pertinent to the proposed site and not include information relating to an alternative site. Two other commenters called for more explicit guidance as to what constitutes "a reasonable showing that there exists significant new information that could substantially affect the initial decision." One of these commenters recommends that the alternative site issue should be reopened only when there is *definite* evidence showing there exists significant new information. The fifth and sixth commenters also call for more stringent criteria for reopening the inquiry. The fifth commenter recommends that the criteria in 10 CFR 2.606(b)(2) for reopening a partial initial decision on site suitability issues be followed and the sixth commenter would prohibit reopening unless the person seeking reopening makes a *prima facie* case, based upon new information, that the previously approved site is unsuitable.

The Commission agrees with the general thrust of these comments, and, indeed, now believes it clear that once the operating license stage has been reached, the alternative site question should not be an issue. This conclusion is grounded in the rationale and basis supporting the proposed rule, i.e., that at some point after issuance of the CP, the alternative of siting the nuclear power plant elsewhere is no longer likely to be a reasonable alternative for the purpose of NEPA.[3] The Commission believes that this point has clearly been reached, if not passed, by the time the OL application has been submitted to the NRC staff for review. Typically, an operating license application is submitted to the NRC staff within 3 years of the estimated construction completion date. Construction is usually about 35-65 percent complete at this time (depending upon the number of units to be built at the site) and a corresponding portion of the total construction costs have already been incurred. Major construction related environmental impacts have already occurred at the site and by the time the staff has completed its review of the application and the operating license hearings begin,[4] the plant will be even further along. Given this factual background, the Commission cannot readily conceive of a situation where new information concerning the proposed site could be of such significance as to tilt the cost-benefit balance in favor of an alternative site. (In any event, 10 CFR 2.758 of the Commission's regulations would permit an exception to or waiver of the rule in particular cases if special circumstances are shown.)

These practical considerations have also met the test of experience. Since 1972 the Commission has commenced or completed more than 50 operating license proceedings. During this time, neither the Commission nor its adjudicatory tribunals have been called upon to resolve in an OL proceeding an issue regarding alternative sites and the Commission is unaware that any party to an OL proceeding has even raised the issue as a possible contention; no contentions on alternative sites are now pending before the Commission or its licensing boards in on-going operating license proceedings.

Since the Commission finds that new information at the operating license stage is very unlikely to upset the prior conclusions concerning alternative sites, the Commission finds it appropriate, for the reasons stated above, to resolve this issue through rulemaking. Accordingly, the Commission is revising the proposed rule to preclude consideration of alternative site issues in operating license proceedings.[5] The standards for reopening the alternative site issue at an earlier stage of the Commission's adjudicatory process will be considered when action on the remainder of the proposed rule is taken. In addition, a minor conforming amendment to 10 CFR 51.21 makes clear that applicants for operating licenses need not address alternate sites in environmental reports submitted to the NRC at the operating license stage. Application of the revised rule to operating license proceedings may be waived only in accordance with the procedures set forth in 10 CFR 2.758 of the regulations, "Consideration of Commission rules and regulations in adjudicatory proceedings."

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 amendments to Title 10, Chapter I, Code of Federal Regulations, Part 51, are published as a document subject to codification:

10 CFR Part 51 is amended as follows:

1. The authority citation for Part 51 is revised to read as follows:

[2] 45 FR 24177, column 3 (April 9, 1980). The remainder of proposed paragraph VIII.1 and paragraph VIII.2 address questions pertaining to the treatment of the costs of delay and of moving to another site. Proposed paragraph VIII.3 pertains to the procedures applicable when two sites within a region have received a favorable NRC decision on alternative sites. These particular issues are inextricably interwoven with other aspects of the proposed rule. The Commission will consider these questions when the remainder of the rule is before it. Hence, the Commission expresses no view on the merits of these issues at this time.

[3] Judicial precedent makes clear that NEPA requires agency decisionmakers to only consider reasonable alternatives. *Friends of the Earth v. Coleman*, 513 F. 2d 295 (9th Cir. 1975); *Natural Resources Defense Council v. Morton*, 458 F. 2d 827 (D.C. Cir. 1972). This "rule of reason" has been recognized by the Commission. See *Public Service Company of New Hampshire* (Seabrook Station, Units 1 and 2), CLI-77-8, 5 NRC 503, 540 (1977).

[4] Hearings are not required at the operating license stage unless the license applicant or a person whose interest may be affected by the proceeding requests a hearing. In recent years, hearings have usually been requested.

[5] Promulgation of this final rule does not affect the Commission's earlier denial of a petition for rulemaking, PRM-51-4, submitted by Boston Edison Company, et al. See 45 FR 10492 (February 15, 1980). That petition would have excluded consideration of such matters as need for the plant, need for power, alternative sites, and alternative energy sources at the operating license stage. The denial of the petition was grounded largely on the petitioners' erroneous assumption concerning the scope of an operating license safety review. However, the Commission specifically noted in the denial that it was considering proposed rules on alternative site issues (the proposed rule under discussion here) and that as a result of the rulemaking might limit the scope of alternative site reviews in OL proceedings if as a practical matter there can be no significant new information as to alternative sites at the OL stage.

Authority: Sec. 161h., i., o., Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201 (h), (i), and (o)); Sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242; Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841)

2. 10 CFR 51.21 is revised to read as follows:

§ 51.21 Applicant's environmental report—operating license stage.

Each applicant for a license to operate a production or utilization facility covered by § 51.5(a) shall submit with its application the number of copies, as specified in § 51.40, of a separate document, to be entitled "Applicant's Environmental Report—Operating License Stage," which discusses the same matters described in § 51.20 but only to the extent that they differ from those discussed or reflect new information in addition to that discussed in the final environmental impact statement prepared by the Commission in connection with the construction permit. The "Applicant's Environmental Report—Operating License Stage" may incorporate by reference any information contained in the Applicant's Environmental Report or final environmental impact statement previously prepared in connection with the construction permit. With respect to the operation of nuclear reactors, the applicant, unless otherwise required by the Commission, shall submit the "Applicant's Environmental Report—Operating License Stage" only in connection with the first licensing action that would authorize full power operation of the facility. No discussion of alternative sites for the proposed plant is required in the report.

3. The existing text of 10 CFR 51.53 is redesignated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 51.53 Hearings—operating licenses.

* * * * *

(b) Presiding officers shall not admit contentions proffered by any party concerning alternative sites for the proposed plant in operating license hearings and shall not raise such issues *sua sponte*.

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

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15984 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-22-AD]

Airworthiness Directives; McDonnell Douglas Models DC-9 and DC-10, Lockheed L-1011 and Groupment d'Interet Economique Airbus Industrie Model 300 Airplanes, and to any Others on Which Collins Model 860F-1 Radio Altimeters are Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of emergency airworthiness directive.

SUMMARY: This action withdraws an Emergency Airworthiness Directive (AD) issued by airmail letter dated December 21, 1979. The Emergency AD, applicable to those airplanes on which Collins Model 860F-1 radio altimeters are installed, required placarding of affected aircraft prior to further flight to prohibit use of automatic controlled approaches involving use of radio altimeter data and modification of affected radio altimeters by July 1, 1980. This action was deemed necessary to prevent an unwanted landing maneuver if the radio altimeter failed without any indication thereof to the crew. Soon after the Emergency AD letter was issued, corrective action by the manufacturers and aircraft operators eliminated the need for the airworthiness directive thereby rendering further rulemaking action unnecessary. Accordingly, the Emergency AD letter is hereby withdrawn.

FOR FURTHER INFORMATION CONTACT: David Warner, Federal Aviation Administration, Engineering and Manufacturing Branch, Room 1659A, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6940.

SUPPLEMENTARY INFORMATION: During routine testing of its Model 860F-1 radio altimeter, Collins (Collins Air Transport Division/Rockwell International) discovered a failure which resulted in a constant indication of 30.5 feet regardless of the actual radio altitude without a failure flag being displayed. Subsequent analysis of this failure by airframe manufacturers and the FAA on aircraft in which this radio altimeter was installed resulted in the determination that a potentially unsafe condition existed and that timely corrective action was necessary. Accordingly, the airframe manufacturers immediately issued alert service bulletins to all affected operators explaining the problem and advising against automatic approaches to landing or automatic landings in those aircraft that incorporated the Collins Model 860F-1 radio altimeter as an integral part of the automatic landing system. Concurrently, the FAA issued an airmail letter Emergency AD dated December 21, 1979, the contents of which are explained in the Summary of this document. Subsequently, Collins developed a corrective modification for the equipment.

Prior to **Federal Register** publication, it was determined that the need for corrective action had been eliminated by expeditious industry action and compliance with the airmail letter Emergency AD. Since the potentially unsafe condition has been satisfactorily resolved, the end result is that no safety problem now exists and final processing of the Emergency AD as a final rule in the **Federal Register** is now moot. Therefore, it has been determined that in the public interest the emergency airmail letter AD should be withdrawn.

The Withdrawal

For the reasons stated above, airmail letter Emergency Airworthiness Directive (AD) issued December 21, 1979, against McDonnell Douglas Models DC-9 and DC-10, Lockheed L-1011 and Groupment d'Interet Economique Airbus Industrie Model 300 airplanes, and to any others on which Collins Model 860F-1 radio altimeters are installed is hereby withdrawn.

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

Issued in Kansas City, Missouri, on May 15, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-15724 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 159

[Docket No. 21725; Amendment No. 159-25]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment codifies current practice that turbojet air carrier aircraft may not be operated into or out of Washington National Airport on scheduled nonstop flight segments of

more than 650 statute miles except for nonstop flights operating to or from certain cities historically excepted from the 650-mile limitation. This amendment is necessary in order to maintain operational restrictions that have been in existence for approximately 15 years at National Airport while the Metropolitan Washington Airports Policy and implementing regulations are reviewed by the Secretary of Transportation in accordance with Executive Order 12291 as announced in a previous rulemaking action.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC-200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION: On May 8, the Department of Transportation issued a Notice of Proposed Rulemaking (46 FR 26358; May 12, 1981 and 46 FR 26656; May 14, 1981) which proposed to formally adopt the existing practice of limiting nonstop flights to and from National Airport to 650 miles, except for seven cities. The notice was issued in response to representation by several air carriers that they were contemplating immediate departure from this practice before the Secretary could complete his review of the previously adopted regulations on this issue.

On May 5, 1981, R. L. Crandall, President of American Airlines, advised the Federal Aviation Administration (copy of the letter is in the docket) that on June 11, 1981, American Airlines would commence new nonstop service between Dallas/Fort Worth (DFW) and Washington National Airport (DCA). Since receiving that letter, the FAA has been advised that Braniff Airlines announced it intends to begin similar service on June 1 and Pan Am intends to conduct nonstop flights to and from Houston. These air carriers have been extensively advertising this proposed nonstop service. For example, on May 14, 1981, Pan Am placed a full-page ad in *The Washington Post* to announce its proposed new nonstop service from DCA to Houston while on the same date, in the same paper, American advertised its proposed service to DFW from National. In American's letter to the FAA, Mr. Crandall states the following:

> There are no rules, regulations or operational considerations that preclude a nonstop operation of Boeing 727-200 aircraft between Washington National and Dallas/Fort Worth Airports. Perimeter rules, such as the one that was briefly adopted by carrier agreement in the mid-1960's and the one more recently proposed by the FAA during the Carter Administration, would serve to preclude such a service, but would at the same time exacerbate the competititve inequities already noted.

Although there is no Federal Aviation Regulation setting forth a mileage limitation for operations into and out of National Airport, such a restriction has existed by agreement and understanding for approximately 15 years. It has been articulated repeatedly in FAA publications and there can be no question of the air transport industry's awareness of and adherence to this practice. In fact, no air carrier has during the past decade and a half attempted to or conducted flights that were not consistent with this accepted practice.

Since 1966, there have been numerous regulatory and policy documents (including several in which the public has been given ample opportunity to comment) which have made it clear that the 650-mile nonstop limitation at Washington National Airport was in existence and adhered to by all carriers.

On May 25, 1966, the Civil Aeronautics Board approved an agreement submitted by the Air Transport Association (ATA) on behalf of 12 air carriers, including American Airlines, in which the air carriers agreed that they would not operate turbojets into and out of DCA on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities).

On July 27, 1966, the Director of the Bureau of National Capital Airports issued Notice of Proposed Rulemaking 66-29 (31 FR 10199; July 28, 1966) in which it was stated that the FAA was considering methods of affecting limitations on the number of air carrier operations at Washington National Airport as part of the general policy to provide the maximum service to the flying public. Included in the NPRM was a 650-mile limitation.

On February 2, 1972, the Acting Manager of National Capital Airports withdrew Notice 66-29 (37 FR 3059; February 11, 1972) stating that the agency had determined that the proposed rulemaking action was no longer appropriate since the objective of that notice had been accomplished by air carrier agreement and the high density air traffic rules.

Although not formally codified, the perimeter practice has been uniformly understood by the carriers. In fact, because it is a condition affecting operations at Washington National Airport, the FAA has clearly set forth this practice in the Notices to Airmen since 1974. The Notices to Airmen issued by the FAA have stated the following:

> Turbojet aircraft described in paragraph B (9-13), may not be operated into or out of airport on flight segments of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from the following cities:
>
> Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; and West Palm Beach, Florida.

Notices to Airmen (NOTAMs) are distributed by the FAA to notify airmen of changes in navigational or procedural rules, operating conditions, and information vital to flight safety. Class Two NOTAMs, such as the one used to state the 650-mile limitation at Washington National, are distributed on a biweekly basis to all FAA facilities, and to a large number of interested private subscribers, including air carriers. As part of their preflight planning, pilots are trained to check the NOTAM publications for information relating to their planned flight.

Because of its longstanding nature and because it was known to all for a number of years, publication of the perimeter was transferred from the NOTAM system to another FAA publication, *Graphic Notices and Supplemental Data*. This publication receives the same dissemination as the NOTAMs, but is published on a quarterly basis.

The Metropolitan Washington Airports Policy draft Environmental Impact Statement issued in March 1978, reiterated the understanding that Washington National Airport was designated as the area's short-haul airport with nonstop flights limited to a radius of 650 miles, except for seven cities. These cities had nonstop services with propeller aircraft prior to 1966 and are still provided nonstop services under the provisions of a "grandfather" clause.

On January 21, 1980, the FAA issued an NPRM (45 FR 4314; January 21, 1980) which proposed to adopt rules to implement the DOT/FAA policies to guide the future operations and development of Washington National and Dulles International Airports. One of the proposals contained in the NPRM dealt with nonstop service restrictions to and from Washington National Airport. The NPRM contained the following paragraph:

The FAA believes that for the time being a perimeter restriction is necessary to preserve National Airport's "medium" and "short haul" and local service role and keep it distinct from the "long haul" and international role of Dulles Airport. FAA views the perimeter restriction on National as an important element to an effective managed growth policy at National.

The preamble further discussed the effects of limitation of the perimeter rule and, in fact, specifically talked about nonstop service from Washington to DFW. The NPRM proposed extension of the perimeter rule to 1,000 miles. Although numerous comments were submitted concerning the proper extent of any perimeter requirement, all comments recognized the existence of the current 650-mile limitation. On September 15, 1980, a final rule was issued by the Administrator which established the nonstop perimeter at DCA at 1,000 statute miles.

This rule was to become effective on January 5, 1981. The Congress, in the DOT and Related Agency's Appropriation Act of 1981, Pub. L. 96–400, mandated a delay in certain aspects of the policy. The effective date of the entire policy, including the perimeter, was postponed until April 26, 1981, because the policy components are interrelated and should be treated as a package and not in a piecemeal fashion.

On February 27, 1981, the Secretary of Transportation proposed a further delay of the effective date for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to ensure compliance with Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new government-wide standards for the promulgation of rules. In addition, the change in the effective date was necessary to complete the Department's permanent rulemaking on slot allocations at Washington National Airport, and was consistent with both a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and with Congressional concerns expressed in the action that led to the initial delay of the policy until April 26.

Therefore, on March 24, 1981, in order to provide adequate time to review the Metropolitan Washington Airports Policy, the effective date of the regulation was postponed by the Secretary until October 25, 1981 (46 FR 19225; March 30, 1981). The Secretary stated that after the policy was reviewed, any changes to it that might be developed would be published in July.

The perimeter limitation has been discussed in detail in rulemaking actions taken within the Department of Transportation during the past several years. In each case, the public has been given extensive opportunity to comment on the subject of proposed changes to the perimeter restrictions. A major element of the policy delayed by the Secretary of Transportation was the establishment of a 1,000 statute mile perimeter rule for National Airport. It should also be noted that the nonstop service planned by American, Braniff, and Pan Am from DFW and Houston to DCA would violate this 1,000-mile restriction which is currently being reviewed. Therefore, the proposed service by American, Braniff, and Pan Am would not only overturn practices of 15 years duration relating to the character of service available at National Airport, but would also interfere with the orderly review process announced by the Secretary.

Therefore, the FAA is inserting into the Federal Aviation Regulations this longstanding 650-mile limitation with specific exceptions pending review of the entire Metropolitan Washington Airports Policy.

This amendment is not intended to be an ultimate resolution of the type of service to be provided to National Airport nor does it reflect a final Departmental decision on whether there should be a perimeter of the extent of any decided upon restriction. Rather, it is merely intended as an interim measure to preserve the character of current operations at National Airport while permitting the Department of Transportation the opportunity to consider fully all the interrelated aspects of a potential policy for the Metropolitan Washington Airports.

Public Comment

Approximately 150 comments were received on the NPRM. These included comments from air carriers, community groups, local government bodies, representatives of pilots and aircraft owners, as well as several Congressmen.

The overwhelming number of commenters supported the proposal contained in the NPRM. The commenters who have made submittals in opposition to the NPRM have basically restated positions previously taken in litigation and in comments received and considered by the Department during the development of the now being reviewed Metropolitan Washington Airports Policy.

Those supporting the NPRM include the Commonwealth of Virginia, the State of Maryland, Dulles Policy Task Force, Commuter Airline Association, Indianapolis Airport Authority, Air Line Pilots Association, the Aircraft Owners and Pilots Association, and the majority of all air carriers which submitted comments.

Several commenters questioned the duration of this regulation. The Metropolitan Washington Airports Policy implementing regulations include a Section 159.60, which in accordance with the Secretary's decision of March 24, 1981, is now scheduled to become effective on October 26, 1981. Thus on that date (unless other rulemaking occurs) the perimeter provision contained in that rule will, by law, supersede and replace the interim perimeter provision contained in this amendment. Therefore, there is no reason to put terminating language directly into the interim rule. It must be noted that any action to change the October 25 effective date established by the Secretary or the policy and implementing regulations scheduled to go into effect on that date would be accomplished only after notice and an opportunity for public comment. Therefore, the public would be assured full participation if any additional rulemaking is needed in this area.

Those submitting comments opposed to the notice primarily raised issues relating to the policy implications and the agency's legal authority to issue a perimeter rule. While many of these commenters prepared detailed comments on these issues, the proper forum for comments concerning such broad issues is in the docket pertaining to the Metropolitan Washington Airports Policy, not the docket for this rulemaking, the objective of which is to maintain the status quo pending the resolution of the broad policy and legal issues. The Department appreciates this input and will place the comments in FAA Docket Nos. 19948 and 19950, which are the dockets being reviewed in accordance with the Secretary's decision to review the Metropolitan Washington Airports Policy.

It is interesting to note that the three carriers directly opposed to this interim rule (Braniff, American, and Pan Am) never did file comments regarding the perimeter during the long regulatory development of the Metropolitan Washington Airports Policy. Comments on the draft policy were submitted by ATA on behalf of member carriers operating at National Airport, including the three mentioned above.

ATA's April 14, 1980, entire comment on the proposed 1,000-mile perimeter rule reads as follows:

The 15 ATA member airlines now serving National Airport are not of a single view concerning the nonstop perimeter rule proposed for that airport. The majority are opposed to any limit; however, in the event a limit is to be established, of that majority 11 would favor the 1,000-mile alternative, while 1 airline would favor the current policy. Three other member airlines prefer maintaining the current operating policy restricting nonstop flight to 650 miles with the exception of the seven "grandfather cities" within 1,000 miles of the airport.

It is clear from this comment that the air carrier community recognized the "current operating policy" of a 650-mile restriction.

It is evident that comments addressing the legality and appropriateness of a perimeter should have been filed during the comment periods for the Environmental Impact Statement (March 1980) or for the Airports Policy (January 1980). Hundreds of other comments were filed during these comment periods which resulted in a final rule which established a 1,000-mile perimeter for National Airport.

American, Braniff, and Pan American would have the Department ignore the timely comments submitted by the public, representatives of local and state governments, and various segments of industry which were fully considered during the development of the perimeter rule. They would ask that the long public process which culminated in the issuance of a final rule be ignored because of recently developed beliefs. Such an action would be totally inconsistent with the Department's responsibility to the public.

Several opposing comments were raised in connection with this proposal which must be addressed. Perhaps the most egregious comment filed by those in opposition to the proposal is one made by Pan American. In its comment, Pan American states that the proposed rule:

> Now threatens a new service as to which Pan American has prudently planned and has begun to advertise and accept reservations. Promulgation of this rule on such short notice will deprive the public of a valuable service, inconvenience thousands of travellers and cause Pan American substantial and irreparable harm.

This comment ignores the history of this limitation and is inconsistent with recent actions taken by Pan American. Pan American talks about its "prudent plan," yet this limitation has been in existence for 15 years and for the first time, several weeks ago, Pan American announced its decision to ignore this historical limitation. As stated above, Pan American failed to make comments on the perimeter during the public comment process. Pan American also stated that it has begun advertising and accepting reservations. This fact cannot be denied. However, it must be recognized that any inconvenience to Pan American or to the public is Pan American's responsibility. Although the NPRM proposing to formalize the perimeter as a regulation was issued on May 8, 1981, and was published in the Federal Register on May 12, Pan American's advertising campaign (including a full-page in *The Washington Post* on May 20, 1981 the day after this comment period closed) never suggested to the public that its authority to operate the proposed nonstop operations might be voided by government regulations. If, in fact, the public is inconvenienced, it will be by Pan American's precipitious actions, not the Department's. This Department regrets any public inconvenience attendant to the promulgation of this rule. At the same time, the ultimate source of that inconvenience is the carrier which persisted in the promotion and sale of these flights during the pendency of this rulemaking.

Several commenters have stated that the proposed action would not maintain the status quo but would change it. As previously discussed, this perimeter limitation has existed for 15 years without any carrier attempting to or actually conducting an operation in violation of this limitation. Over 3½ million operations have been conducted by air carriers since this limitation was first established; each one consistent with it. As to the existence of such a limitation, we note the following statement contained in Eastern Airlines' comments in support of the rule:

> As Notice No. 81-7 points out, the perimeter rule with its exceptions was established by a 1966 agreement of carriers, including American, Braniff and National, which agreement was ratified by CAB and has been regularly followed and applied since such date. Because of this agreement, no formal rulemaking was deemed necessary by the FAA. Since American was one of the original parties to the 1966 agreement, it is a remarkable exercise in sudden forgetfullness for American to contend now that it is free to violate the rule.

Similarly, TWA stated:

> TWA does not now take a position with respect to the substantive merits of any perimeter rule. In our view, however, a significant departure from present operating practices, like that proposed by American in disregarding the informal perimeter rule, presents a change in the status quo that may adversely impact communities presently receiving nonstop service to National—perhaps irrevocably—and would-unduly affect the Administrator in his consideration of the rules pending with respect to Washington airports policy and National Airport's place in the national air transport system.

Clearly, the status quo is a 650-mile perimeter with a 1,000-mile perimeter effective on October 26, 1981, pending Secretarial review of the entire policy. Any argument that a different status quo exists ignores 15 years of practice and rulemaking.

Several commenters stated that they believed that the issuance of a regulation as proposed in the notice is inconsistent with Executive Order 12291 in that it proposes a regulation where one does not currently exist. It has been the Department's hope all along that it would not be necessary to issue a regulation codifying the 650-mile perimeter. Only when it became apparent that these carriers would not refrain from instituting this new service was it necessary to promulgate a regulation. In this connection, we note the following comments submitted by Eastern Airlines on this point:

> Not only does Eastern consider FAA's action to be sound, but Eastern also considers the method by which FAA acted to be appropriate. With little more than a month's notice, American, Braniff and Pan American have informed the FAA of their respective intentions to violate an understanding of 15 years duration. The actions of these carriers, if unchecked, will likely cause other carriers, for competitive reasons, to attempt to institute service beyond the perimeter.

We also note the following comments submitted by the Washington National Commuter Airlines Association:

> Regulatory agencies themselves cannot summarily reverse longstanding industry practices, without substantial evidence and a reasoned decision to support such a change.
>
> Similarly, an individual entity in an industry should not be able to destroy an industry practice acquiesced in by the pertinent regulatory agency, without equally substantial regulatory support and procedural due process.

Although there is no regulation which prevented operations beyond 650 miles, there can be no argument that it was a limitation which had been strictly observed for 15 years. For this reason this rulemaking is consistent with Executive Order 12291.

The City of Houston stated in its comments that the NPRM failed to provide adequate time for comments. It appears, however, from the breadth of the comments, as well as their length, that other parties had ample opportunity to respond. It should be noted that no party asked for an extension of the comment period as provided for in 14 CFR Part 11. It should also be noted that the attorneys for the City of Houston, as

well as other parties, were notified prior to the time of publication of the NPRM in the **Federal Register** to give them as much notice as possible. The fact cannot be ignored, however, that the time period given for comment on the NPRM was dictated by the limited amount of notice provided by American, Braniff, and Pan American of their proposed institution of service which would break a 15-year record of cooperation. Because the carriers intended to commence service beginning on June 1, it was not possible to give additional time for comments. It is essential that this issue be resolved as quickly as possible so that the public has sufficient notice as to whether this service will be available or not. Under these circumstances the issue has been sufficiently aired; any additional delay would cause needless public confusion.

Several of the airline commenters question the need for a perimeter to maintain service at Dulles Airport. They contend either that Dulles does not need the protection of the perimeter or that decreases in Dulles activity are due to market forces which should not be disrupted. Unquestionably, the perimeter at DCA does affect operations at Dulles. If this regulation were not issued, it is likely that some carriers would commence service, not only to the Texas markets proposed by Pan American, American, and Braniff, but also to other cities outside the current perimeter now served by nonstop service to and from Dulles. In addition, competing carriers would likely be forced to move from Dulles to DCA. For example, in comments filed in this proceeding, Continental Airlines stated:

> Continental takes no position per se on whether the existing 650-mile perimeter rule should or should not be modified at this time. However, in the event that the perimeter rule is lifted, we would be compelled to shift some or all of our Dulles operations to Washington National Airport.

Similarly, US Air stated:

> Another equally compelling reason supports immediate adoption of the present National perimeter rule as an FAR. Unless the FAA maintains the status quo, long-haul services at National will proliferate, thereby diverting traffic from Dulles to National.

Clearly, the perimeter is integrally related to the efforts to establish a Metropolitan Washington Airports Policy. A sudden change in the practices of the past 15 years would be inconsistent with this Department's efforts to place reasonable limts on the spiraling use of National Airport. It could be inconsistent with efforts to achieve a more balanced use of the fine facilities at Dulles and Baltimore-Washington International Airports. It could place added pressure on the already stressed slot availability issue of National, and a shift in a large number of long-haul flights to DCA, with its limited number of slots, could supplant service via National to smaller, closer-in cities. This integral relationship demands that the perimeter be considered in the context of the overall airport policy which is what the Department has undertaken to do.

While the Department is most sensitive to arguments that free market forces should be permitted to work without government intervention, the Secretary is charged by law with "operating and maintaining" Dulles and National Airports. Their continuing economic viability, the services they provide to the travelling public, and their impact on the community are all the proper concerns of this Department. These concerns will be addressed in the review of the Metropolitan Washington Airports Policy. One of the decisions to be reviewed is whether the practice of limiting nonstop flights at National should be maintained, and if so, at what distance. This decision will be made in light of all of the comments and arguments advanced in the past year and a half of rulemaking. It would be inappropriate to allow the alteration of a major component of the policy before our review is completed.

Violation of This Section

In addition to the penalty provisions contained in the Federal Aviation Act, the public should be aware that any individual who violates this provision is subject to arrest and criminal penalties under Sec. 4 of the Act of June 29, 1940, 54 Stat. 686; as amended by the Act of May 15, 1947, 61 Stat. 94; and the Federal Aviation Act of 1958 as amended, 49 U.S.C. 1301, et seq.

Effective Date

This regulation responds to an emergency situation and good cause exists for making this rule effective in less than 30 days after publication. It will become effective on May 26, 1981. This effective date is necessary to ensure that announced nonstop operations which would be inconsistent with this amendment do not go into effect. It is also needed to lessen the inconvenience to the public. As a result of actions taken by the air carriers proposing this service, it is essential that this rule become effective as soon as possible so that the public will be informed that such nonstop service is not available and the carriers and the public can make other travel arrangements.

As discussed earlier in this document, the rules implementing the Metropolitan Washington Airports Policy (which is scheduled to become effective on October 25, 1981) contain a 1,000-mile perimeter rule. Absent further rulemaking action, on that date, the 1,000-mile rule will replace the 650-mile provision in this amendment.

The Amendment

Accordingly, Part 159 of the Federal Aviation Regulations (14 CFR 159) is amended by adding a new § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 650 statute miles away from Washington National Airport, except for nonstop flights to or from the following cities: Miami, Florida; Memphis, Tennessee; Minneapolis/St. Paul, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; or West Palm Beach, Florida.

(Secs. 103, 307 (a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1348 (a), (b) and (c), and 1354(a)); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—Since this rulemaking does nothing more than retain a current operating restriction at DCA for a short period of time pending review of the overall Metropolitan Washington Airports Policy, the Department has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 26, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-16018 Filed 5-26-81; 11:35 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 377

Agricultural Commodities and Products Subject to Validated Licensing and Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

Correction

In FR DOC. 81-13189, appearing at page 24532 in the issue of Friday, May 1, 1981, please make the following change:

1. On page 24536, in the chart marked "Supplement No. 2", under the 3rd quarter column, the figure "10,927" for the country of New Zealand should be corrected to read "1,041".

2. On page 24536, in the chart marked "Supplement No. 2", under the 4th quarter column, for the country of New Zealand, where there are now dots, there should appear the figure, "1,220".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Departmental Regulation 108.807]

Visas; Documentation of Nonimmigrants

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department is amending its regulations in Part 41 regarding the documentation of nonimmigrants under the Immigration and Nationality Act. Amendments are made to the definitions section and also to the regulations covering officials of foreign governments. These amendments are necessary so that the Bureau can specify with greater precision the classes of aliens covered by these rules. The purpose of these amendments is to establish more effective control over the classification of nonimmigrants qualifying under section 101(a)(15)(A) of the Immigration and Nationality Act in order to ensure that persons who are documented under this provision are clearly entitled to the status provided by these regulations.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services, Washington, D.C. 20520, (202) 632-1900.

SUPPLEMENTARY INFORMATION: These amendments to § 41.1 and § 41.20 specify with greater precision the classes of aliens covered by, and clearly entitled to the status provided by these sections.

Section 41.20 further incorporates the statutory requirements relating to accreditation procedures.

On December 8, 1980 the Department published for comment in the **Federal Register** (45 FR 80834) a proposed rule containing revisions to the definition of "Immediate Family" as that term is used in section 101(a)(15)(A), 101(a)(15)(G) and 212(d)(8) of the Immigration and Nationality Act and with reference to classification under the symbols NATO-1, NATO-2, NATO-3, NATO-4, and NATO-5.

In addition, the proposed rule spelled out the criteria required for A-1, or A-2 status, and addressed statutory requirement for acceptance by the President or by the Secretary of State of an applicant's accreditation before a visa may be issued.

Since no written comments have been received the regulations are adopted as proposed.

Dated: April 16, 1981.

Robert E. Fritts,

Acting Assistant Secretary, Bureau of Consular Affairs.

1. In § 41.1, the definition of "Immediate Family" is revised to read:

§ 41.1 Definitions.

* * * * *

"Immediate Family", as used in sections 101(a)(15)(A), 101(a)(15)(G), and 212(d)(8) of the Act and with reference to classification under the symbols NATO-1, NATO-2, NATO-3, NATO-4, and NATO-5, includes the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal alien. "Immediate Family" also includes, upon individual authorization by the Department, other close relatives who are members of the immediate family by blood, marriage, or adoption, who are not members of some other household, who will reside regularly in the household of the principal alien, and who are recognized as dependents by the sending Goverment as demonstrated by their eligibility for all rights and benefits, such as the issuance of a diplomatic or official passport and travel and other allowances, which would be granted to the spouse and children of the principal alien.

2. Section 41.20 is revised to read:

§ 41.20 Officials of foreign governments.

(a) *Criteria for classification of foreign government officials.* An alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) of the Act if, in the case of the principal alien, (1) he has been accredited by a foreign government recognized de jure by the United States, (2) he intends to engage solely in official activities for said foreign government while in the United States, and (3) he has been accepted by the President, or by the Secretary of State, or by a consular officer acting on behalf of the Secretary of State. A member of the immediate family of a principal alien shall be classifiable under section 101(a)(15)(A) (i) or (ii) if the principal alien is classifiable under section 101(a)(15)(A) (i) or (ii).

(b) *Classification of status under section 101(a)(15)(A).* If an alien is entitled to classification under section 101(a)(15)(A) of the Act he shall be classified under this section even if he is eligible for another nonimmigrant classification.

(c) *Classification of attendants, servants, and personal employees.* An alien shall be classifiable as a nonimmigrant under the provisions of section 101(a)(15)(A)(iii) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section of the Act.

(d) *Referral of certain cases to the Department.* In any case in which there is uncertainty about the applicability of these regulations to a principal alien applicant requesting nonimmigrant status, the matter shall immediately be referred to the Department for consideration as to whether acceptance of accreditation shall or shall not be granted.

(e) *Change of nonimmigrant status to that of a foreign government official.* In the case of an alien in the United States seeking a change of nonimmigrant classification pursuant to section 248 of the Act to a classification under section 101(a)(15)(A) (i) or (ii), the question of acceptance of accreditation shall be determined by the Department.

(f) *Termination of status.* The Department may, in its discretion, cease to recognize as entitled to nonimmigrant status under section 101(a)(15)(A) (i) or (ii) any alien who has such status.

(g) *Classification of foreign government officials for entry other than diplomatic.* A foreign government official or employee who seeks to enter the United States temporarily in a status other than that of a representative or employee of a foreign government shall

not be classifiable under the provisions of section 101(a)(15)(A).

[FR Doc. 81-15946 Filed 5-27-81; 8:45 am]
BILLING CODE 4710-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-81-918]

Section 8 Housing; Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This Rule establishes revised Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the States of New Hampshire, Rhode Island, and Virginia, as well as for Market Areas within the States of Kansas, Louisiana, Michigan, North Carolina, and Pennsylvania, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Section 8 Fair Market Rents are published annually in the **Federal Register**. HUD published the last annual revision of the Fair Market Rents applicable to New Construction and Substantial Rehabilitation on August 29, 1980, effective on October 1, 1980.

These revised Fair Market Rents reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units of modest design within each market area since their last annual revision.

EFFECTIVE DATE: June 25, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-5743. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: HUD gave notice on August 29, 1980 at 45 FR 58040 that it was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program) for all Market Areas." The deadline for submitting comments was September 29, 1980. To ensure that the final rents were effective by the required anniversary date October 1, 1980, the August 29, 1980 publication stated that the rents in that publication would take effect automatically on October 1, 1980, unless HUD published a notice to the contrary. Today's publication modifies certain of the rents published August 29 in response to the comments received.

HUD received 36 comments by the deadline. After consideration of comments received from HUD Field Offices and from the public as a result of this publication, HUD has decided to modify the Schedule A rents for 13 market areas in the following states: Kansas, market area of Wichita; Louisiana; market area of New Orleans; Michigan, market areas of Bay City, Flint, and Saginaw; New Hampshire, Statewide; Pennsylvania, market area of Philadelphia; Rhode Island, Statewide; and Virginia, market areas of Harrisonburg, Stauton, Warrenton, Waynesboro, and Winchester. These modified Fair Market Rent Schedules are based upon supporting documentation.

Ten additional comments were received after the deadline. After consideration of additional comments received from HUD Field Office and from the public as a result of this publication, HUD has decided to modify the Schedule A rents for 21 other market areas in the following states: North Carolina, market area of Elizabeth City; Virginia, market areas of Bristol, Chesapeake, Charlottesville, Culpepper, Danville, Emporia, Franklin, Fredericksburg, Hampton, Lynchburg, Martinsville, Newport News, Norfolk, Portsmouth, Richmond, Roanoke, Suffolk, South Boston, South Hill, and Virginia Beach.

Proposals involving combinations of structural types and unit sizes by bedroom count for which Fair Market Rents have not been published for effect may not be approved until publication of the applicable Fair Market Rents as a Final Rule.

For all products where the Fair Market Rents are revised upward after the date of processing stage specified above, the revised Fair Market Rents shall apply to all subsequent processing in reviewing Contract Rents.

Since the amendments contained in this Final Rule are to apply to the Fiscal Year 1981 program, it is necessary that the Rule become effective as soon as possible, so that applications can be submitted and acted upon prior to the end of the Fiscal Year.

Accordingly, this Rule becomes effective immediately on the date set forth above.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance program number and title is 14.156, Lower Income Housing Assistance program (Section 8).

Accordingly, Schedule A of Part 888 is amended as set forth below:

Authority: Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 21, 1981.

George O. Hipps, Jr.,

Acting Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These schedules of Fair Market Rents have been trended ahead to October 1, 1982, to update the current Fair Market Rent schedules which these revised Schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2 bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregrate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

BILLING CODE 4210-01-M

AREA/INSURING OFFICE MANCHESTER, N.H. REGION I BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW HAMPSHIRE (STATEWIDE)	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty		442			
	5 + Sty		491			
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA OFFICE Providence, R.I. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RHODE ISLAND (Statewide)	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty	324	441	565		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE PHILADELPHIA, PA. REGION III- PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED			599	680	758
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE Richmond, VA REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED			434	503	595
	SEMI-DETACHED/ROW		338	391	458	497
	WALKUP	287	331	382	452	493
	ELEVATOR-2-4 Sty	355	399	450		
	5 + Sty	553	614	741		
BRISTOL	DETACHED			425	469	510
	SEMI-DETACHED/ROW		306	379	422	466
	WALKUP	256	294	364	413	454
	ELEVATOR-2-4 Sty	324	362	432		
	5 + Sty	459	511	636		
CHESAPEAKE* EMPORIA FRANKLIN NORFOLK PORTSMOUTH SUFFOLK VA. BEACH *	DETACHED			432	511	576
	SEMI-DETACHED/ROW		349	419	468	512
	WALKUP	300	338	400	468	505
	ELEVATOR-2-4 Sty	368	406	487		
	5 + Sty	515	573	692		
CHARLOTTESVILLE CULPEPPER FREDERICKSBURG*	DETACHED			449	519	593
	SEMI-DETACHED/ROW		365	432	514	547
	WALKUP	317	356	412	493	518
	ELEVATOR-2-4 Sty	386	424	480		
	5 + Sty	527	577	674		
HAMPTON* NEWPORT NEWS	DETACHED			417	507	555
	SEMI-DETACHED/ROW		325	376	469	508
	WALKUP	258	290	350	419	467
	ELEVATOR-2-4 Sty	326	358	418		
	5 + Sty	473	521	636		
DANVILLE* LYNCHBURG MARTINSVILLE ROANOKE SO. BOSTON SO. HILL *	DETACHED			402	480	540
	SEMI-DETACHED/ROW		330	402	458	492
	WALKUP	276	311	373	432	466
	ELEVATOR-2-4 Sty	344	379	441		
	5 + Sty	456	499	606		

*Market areas are not combined. FMRs are identical for these market areas.

AREA OFFICE Richmond, VA REGION III - Philadelphia

(10-1-80 to 10-1-82)

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARRISONBURG, STAUNTON, WARRENTON, WAYNESBORO, WINCHESTER *	DETACHED			-	-	-
	SEMI-DETACHED/ROW		330	384	448	497
	WALKUP	257	304	378	435	482
	ELEVATOR-2-4 Sty	325	372	446		
	5 + Sty	439	496	617		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

* Market Areas are not combined, FMRs are identical for these market areas.

AREA OFFICE GREENSBORO, N.C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ELIZABETH CITY	DETACHED			480	546	613
	SEMI-DETACHED/ROW		380	445	505	565
	WALKUP	332	380	445	505	565
	ELEVATOR-2-4 Sty	359	407	472		
	5 + Sty	450	505	602		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE DETROIT, MICHIGAN REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS					
		0	1	2	3	4	or more
BAY CITY/ FLINT/ SAGINAW *	DETACHED						
	SEMI-DETACHED/ROW			477			
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty						
	5 + Sty						

*Market areas are not combined. FMRs are identical for these market areas.

AREA/INSURING OFFICE NEW ORLEANS, LA. REGION VI- DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty	469	517			
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

AREA/INSURING OFFICE KANSAS CITY, MO. REGION VII-KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WICHITA, KAN	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty	287				
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[FR Doc. 81-15671 Filed 5-27-81; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is adopting a regulation codifying the criteria that it presently uses in determining how long a prisoner released on parole shall remain under parole supervision before such supervision is normally terminated. These criteria were originally developed by the Commission's Office of Research so that the termination decisions required by statute could be placed upon an equitable and empirically justified basis. The regulation provides that jurisdiction over parolees initially placed in the most favorable parole prognosis category will normally be terminated after two years of difficulty-free supervision. Jurisdiction over other parolees will normally be terminated after three years of difficulty-free supervision.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, Office of Research, U.S. Parole Commission, 5550 Friendship Blvd., Bethesda, Maryland 20015, (301) 492-5980.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1980, the U.S. Parole Commission published in the Federal Register (FR 60427) an interim rule, with request for public comment, setting forth the Commission's criteria for the early termination of parole supervision.

The Commission is required under 18 U.S.C. 4211 (1976) to conduct a review of the status of each prisoner who is released on parole supervision two years after release on parole and at least annually thereafter. The Commission is empowered, in its discretion, to grant early termination of supervision, in addition to modifying conditions of parole and levels of supervisory contact.

In addition, the statute requires termination of supervision after five continuous years of supervision unless the Commission finds that there is a likelihood that the parolee will engage in conduct violating any criminal law.

The concern in termination of supervision decisions is whether or not the released prisoner continues to present a risk of further criminal behavior. Having compiled data on the post-release behavior of federal releasees, the Commission decided to utilize the available information to develop empirically based guidelines to assist in termination decisions.

The research was aimed at discovering at what point there seems to be a significant decline in the arrest rate of releasees which would justify the termination of supervision, and thus the Commission's jurisdiction over the parolee. Using the four parole prognosis (risk) categories which the Commission utilizes in making release decisions (see 28 CFR § 2.20—Salient Factor Score), releasees grouped by risk category were followed for six years from date of release from prison. Briefly, the research indicated that there was not a significant decline in arrest rate until after completion of a three year "difficulty-free" period for all groups except those who started out in the "very good" risk category. These "very good" risk offenders experienced a decline in arrest rate after a two year "difficulty-free" period. (See, Hoffman and Stone-Meierhoefer, "Post-Release Arrest Experiences of Federal Prisoners", *Journal of Criminal Justice*, V. 7, No. 3, pp. 193–216).

Based on this research, the Commission adopted criteria under which releasees with salient factor scores of 9–11 (very good risk category) should normally be terminated after two years of difficulty-free supervision; and that all others should normally be terminated after three years of difficulty-free supervision. These supervision periods state customary Commission policy, which may be overridden for good cause.

The interim rule specified the general conditions which could constitute "good cause" to override these termination guidelines. Decisions above the guidelines (i.e., decisions to continue on supervision for a longer period of time) may be rendered if case-specific factors indicate a continuing risk of new criminal conduct.

Decisions to terminate below the three year guidelines are permitted for case-specific factors showing that the parolee is a better risk than indicated by the salient factor score. However, a decision to terminate prior to two years will not be made in *any* case, regardless of salient factor score, absent a finding that further supervision would be counterproductive to successful community adjustment.

It should be noted that background factors may be used to override the supervision guidelines regardless of whether these factors were explicitly cited in making the parole release determination.

Public Comment

Comment was received from three federal judges, four Chief Probation Officers, two additional probation officers and one prisoner. The majority of the comment cited the need for a means to consider the severity and type of the commitment offense in making termination of supervision decisions. Specifically, the comment provided examples of large scale drug offenders, and other types of large scale "white collar" and organized criminal conspiracy cases which they felt should not be terminated after two years regardless of salient factor score or performance under supervision because of their continued risk to the community.

Other comments suggested less reliance on the salient factor score, with one suggesting that the Commission should rely heavily on the recommendations of the probation officers, asserting that the probation officer was in the best position to assess the case. One Chief Probation Officer mentioned that the guidelines should assist the probation officers in making termination recommendations and should eliminate the need to carry a case under supervision longer than necessary.

Changes From the Proposal

1. In response to comment received, the final rule clarifies that the guidelines for termination of supervision set forth the Commission's customary policy which may be overriden by case specific factors. It is specified that these factors may relate either to the parolee's behavior while under supervision, or to factors in the parolee's background which indicate that continued supervision is in the best interests of the public. Further, specific examples of meaningful case-specific circumstances are presented in the regulation itself.

In further response, it is noted that under 28 CFR § 2.42 probation officers are required to furnish a case supervision report which contains a request for a recommendation to the Commission and any reasons for departing from the Commission's guidelines.

2. Certain sections have been consolidated so that one subsection combines all information relating to youthful offenders.

Therefore, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR § 2.43 (entire text) is revised and set forth below.

§ 2.43 Early termination.

(a)(1) Upon its own motion or upon request of the parolee, the Commission may terminate supervision, and thus jurisdiction, over a parolee prior to the expiration of his maximum sentence.

(2) A committed youth offender may be granted an early termination of jurisdiction (unconditional discharge) not earlier than after one year of continuous supervision on parole. When termination of jurisdiction prior to the expiration of sentence is granted in the case of a youth offender, his conviction shall be automatically set aside. A certificate setting aside his conviction shall be issued in lieu of a certificate of termination.

(b) Two years after release on supervision, and at least annually thereafter, the Commission shall review the status of each parolee to determine the need for continued supervision. In calculating such two-year period there shall not be included any period of release on parole prior to the most recent release, nor any period served in confinement on any other sentence. A review will also be conducted whenever early termination is recommended by the supervising probation officer.

(c)(1) Five years after release on supervision, the Commission shall terminate supervision over such parolee unless it is determined, after a hearing conducted in accordance with the procedures prescribed in 18 U.S.C. 4214(a)(2), that such supervision should not be terminated because there is a likelihood that the parolee will engage in conduct violating any criminal law. Such hearing may be conducted by a hearing examiner or other official designated by the Regional Commissioner. In calculating such five-year period, there shall not be included any period of release on parole prior to the most recent release or any period served in confinement on any other sentence.

(2) If supervision is not terminated under paragraph (c)(1) of this section the parolee may request a hearing annually thereafter, and a hearing shall be conducted with respect to termination of supervision not less frequently than biennially.

(3) A parolee may appeal an adverse decision under paragraphs (c)(1) or (2) of this section pursuant to §§ 2.25, 2.26, or 2.27 as applicable.

(d) The Regional Commissioner in the region of supervision shall have authority to make decisions under this section pursuant to the guidelines set forth below; except that in the case of a parolee classified under the provisions of § 2.17, an affirmative decision to terminate supervision under paragraph (b) of this section, or a decision to terminate or continue supervision under paragraph (c) of this section shall be made pursuant to the provisions of § 2.17.

(e) *Early termination guidelines:* In determining whether to grant early termination from supervision, the Commission shall apply the following guidelines:

(1) Absent case-specific factors to the contrary, termination of supervision shall be considered indicated when:

(i) A parolee originally classified as a very good risk (salient factor score of 9 or more) has completed two continuous years of supervision free from any indication of new criminal behavior or serious parole violation; and

(ii) A parolee originally classified as less than a very good risk (salient factor score of less than 9) has completed three continuous years of supervision free from any indication of new criminal behavior or serious parole violation.

Note.—As used in this section, an indication of new criminal behavior includes a new arrest if supported by substantial evidence of guilt, even if no conviction or parole revocation results.

(2) Decisions to continue the parolee under supervision past the period indicated above may be made where case-specific factors justify a conclusion that continued supervision is needed to protect the public welfare. Such case-specific factors may relate to the current behavior of the parolee (for example, a parolee whose behavior begins to deteriorate as the normally expected time for termination approaches) or to the parolee's background (for example, a parolee with a history of repetitive assaultive conduct or substantial involvement in large scale or organized criminal activity). In such cases, an additional period of supervision prior to termination of jurisdiction may be warranted.

(3) Decisions to terminate supervision prior to completion of the three year period specified in paragraph (e)(1)(ii) of this section may be made where it appears that the parolee is a better risk than indicated by the salient factor score as originally calculated. However, termination of supervision prior to the completion of two years of difficulty-free supervision will not be granted unless case-specific factors clearly indicate that continued supervision would be counterproductive.

(4) Cases with pending criminal charges shall not be terminated from supervision until disposition of such charge(s) is known.

(5) After five continuous years of supervision, decisions to terminate will be made in accordance with subsection (c) of this rule.

I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: May 21, 1981.

Cecil C. McCall,

Chairman, Parole Commission.

[FR Doc. 81-15959 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 252, 264, 275, 278, 341

Internal Water Resources Planning Regulations; Audit Results

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule; revocation.

SUMMARY: On March 27, 1981, the Civil Works Planning Division, Office of the Chief of Engineers completed an audit of all of its internal water resources planning regulations as a first phase of a Regulation Reform Action Program (RRAP). The objectives of RRAP are to streamline and consolidate planning guidance. As a result of the audit the U.S. Army Corps of Engineers, DOD hereby gives notice that its regulations covering framework and basin studies programs, urban studies programs, wastewater collection and treatment, separable recreation lands—completed lake projects and evaluation of beneficial contributions to National economic development for flood plain management plans are revoked and removed.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert D. Wolff, Planning Division, Directorate of Civil Works, U.S. Army Corps of Engineers, HQDA(DAEN-CWP), WASH, D.C. 20314, telephone (202) 272-0146.

SUPPLEMENTARY INFORMATION: 33 CFR Part 252, Framework and Basin Study Programs (Level A and Level B Studies) contains general guidance for the Corps of Engineers participation in multiagency studies. A review of the regulation has determined a regulation covering this general informational guidance is unnecessary. Corps field offices will operate under policies and procedures adopted by the U.S. Water Resources Council.

33 CFR Part 264, Urban Studies Program, provides policy and procedures for studies conducted under the Urban Studies Program. Separate

guidance on this subject is no longer required since the studies under this program are being completed. The subject is adequately covered by the Water Resources Council Principles and Standards, 18 CFR Part 711.

33 CFR Part 275, Wastewater Collection and Treatment Policy, provides guidance on water quality standards, goals and deadlines to be used in developing wastewater management plans. The regulation is out of date. Current guidance is available from the Environmental Protection Agency.

33 CFR Part 278, Separable Recreation Lands: Completed Lake Projects, provides guidance for land acquisition for a separable recreation purpose at completed projects. This regulation was developed to implement an opinion of the OCE Chief Counsel that Section 4 of the 1944 Flood Control Act does not give the Corps authority to acquire separable recreation lands. That opinion has been subsequently revised by the OCE Chief Counsel and, therefore, the regulation is no longer required.

33 CFR Part 341, Evaluation of Beneficial Contributions to National Economic Development for Flood Plain Management Plans prescribes the principles, standards, procedures and measurement techniques for evaluating beneficial contributions to National Economic Development for flood damage reduction. This guidance has been replaced by Water Resources Council procedures, 18 CFR Part 713. A separate Corps regulation is no longer required.

PARTS 252, 264, 275, 278 and 341 [Reserved]

Therefore, 33 CFR Parts 252, 264, 275, 278, and 341 are hereby removed, revoked, and reserved.

Dated: May 14, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-15920 Filed 5-27-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-1778-5]

Approval and Promulgation of Implementation Plans; Ohio Revised Stack Height Policy

AGENCY: Environmental Protection Agency.

ACTION: Notice of policy revision and stay of regulation.

SUMMARY: On January 12, 1979 (44 FR 2608), EPA proposed stack height regulations to implement Section 123 of the Clean Air Act. Those regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. On June 24, 1980 (45 FR 42279), as part of a rulemaking promulgating emission limitations for two power plants owned by the Cleveland Electric Illuminating Company (CEI), EPA revised its stack height policy to require existing sources seeking stack height increases to perform fluid modeling or field studies to justify stack height increases up to a good engineering practice height as calculated by the formula. The notice also promulgated two sets of emission limitations for the CEI plants, one based on credit for the new tall stacks and one based on the old stacks. The second set of limits was to be effective in one year unless CEI demonstrated through fluid modeling or field studies that it was entitled to credit for the new stacks. At the time, EPA expected to publish final stack height regulations incorporating the revised policy within a few months.

Unanticipated difficulties have significantly delayed promulgation of the stack height regulations. EPA has, therefore, determined to withdraw the requirement for fluid modeling or field studies to justify stack height increases up to good engineering practice formula height. In view of the change in policy, EPA is also staying the second set of emission limitations for the CEI plants.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Lanny M. Deal, Control Programs Development Division, Office of Air Quality Planning and Standards, MD-15, Research Triangle Park, North Carolina 27711, (919) 541-5516 (FTS 629-5516).

SUPPLEMENTARY INFORMATION: On January 12, 1979, EPA proposed regulations to implement the stack height provisions of Section 123 of the Clean Air Act. *See* 44 FR 2608. EPA's proposed stack height regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. *See* 44 FR 2610, col. 2. During 1979 and 1980, however, EPA became increasingly concerned that stack height increases allowed under the proposed regulations might contribute to long-range transport of pollutants and acid deposition. Accordingly, EPA decided to modify its stack height proposal. The revised policy required certain sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that the increased stack height was necessary to avoid excessive concentrations due to downwash, wakes, or eddies.

EPA announced this policy change as part of its final action promulgating sulfur dioxide (SO_2) emission limitations for the Avon Lake and Eastlake power plants owned by the Cleveland Electric Illuminating Company. *See* 45 FR 42279, June 24, 1980. EPA applied its revised policy in developing the emission limitations for the CEI plants. EPA determined it was appropriate to apply this new policy to CEI because CEI had replaced old stacks at each of the two plants with new taller stacks.

As a result of the policy revision, EPA promulgated two sets for emission limitations of the CEI plants: 4.10/4.65 lbs sulfur dioxide (SO_2) per million Btu (MBtu) (depending on the sulfur content of fuel burned) for Avon Lake and 5.64 lbs SO_2 per MBtu for Eastlake, based on modeling which included stack height credit for the new tall stacks (which qualify as good engineering practice height stacks under EPA's formula in the proposed stack height regulations); and 3.43/3.93 lbs SO_2 per MBtu for Avon Lake and 3.04 lbs SO_2 per MBtu for Eastlake based on modeling using the old stacks and assuming no credit for the new taller stacks. The first set of limitations was made immediately effective. The second set of limits was made effective one year later to provide CEI with an opportunity to demonstrate through fluid modeling or field studies that the new tall stacks were necessary to avoid excessive concentrations due to downwash, wakes, or eddies.

CEI and other parties petitioned EPA to provide an opportunity to comment on these new emission limitations and to reconsider the limitations in light of the comments received. CEI also requested EPA to stay the effectiveness of both sets of emission limitations during reconsideration. On January 27, 1981, EPA granted the request for an opportunity to comment. *See* 46 FR 8581. EPA denied the requests for a stay of the first set of emission limitations, but deferred action on any stay of the second set of emission limitations, which were based on the revised stack height policy. EPA hoped to resolve issues related to the policy change in the context of final action on the stack height regulations. However, EPA announced that it intended to rule on the requested stay of the second set of emission limitations well before their effective date of June 24, 1981, even if

the final stack height regulations were not yet promulgated.

At the time EPA adopted the CEI limitations, it expected to promulgate within a few months final stack height regulations which would incorporate the new stack height policy. The need for an expanded regulatory analysis, however, has delayed promulgation of those regulations. In view of the extended delay in issuing final stack height regulations which include a fluid modeling or field studies requirement, EPA has concluded that it is inappropriate to require sources to conduct fluid modeling or field studies at this time. Therefore, EPA is today withdrawing the requirement for fluid modeling or field studies by existing sources seeking credit for stack height increases up to good engineering practice height as determined by EPA's proposed formula. If EPA's final stack height regulations include a requirement for fluid modeling or field studies, all sources subject to the requirement will have at least one year to conduct the necessary fluid modeling or field studies. As provided in the proposed stack height regulations, fluid modeling or field studies continue to be required for sources seeking stack height credit above the height calculated by the formula.

In view of the withdrawal of the fluid modeling policy, CEI will no longer be required to perform fluid modeling or field studies to justify stack height credit for its new tall stacks, since those stacks are good engineering practice height as determined by EPA's formula. Due to the policy change, EPA believes it is appropriate to grant the requested stay for the second set of emission limitations that were scheduled to go into effect in June 1981. Those limits were based on air quality modeling which allowed stack height credit only for the old stacks. Since CEI is now entitled to credit for the new tall stacks, emission limitations for the plants should be based on modeling which provides credit for those stacks. The currently effective emission limitations promulgated in June 1980 allow credit for those stacks. Therefore, those limitations will remain in effect and will be the only limitations applicable to the plants. If the final stack height regulations incorporate a requirement for fluid modeling or field study by sources seeking stack height credit for increases up to EPA's good engineering practice formula, CEI, like other sources, would have one year to perform the necessary modeling for field studies.

EPA is taking these actions without first providing notice and opportunity to comment. The withdrawal of the fluid modeling policy for existing sources merely changes a general statement of policy which is not subject to the notice and comment requirements of the Administrative Procedure Act. (5 U.S.C. 551 *et seq.*) Similarly, EPA is not required to provide opportunity to comment on the stay of the second set of CEI emission limitations. The stay suspends, but does not alter or withdraw these requirements. EPA has already solicited public comment on these emission limitations in its January 27, 1981 notice of additional comment period. EPA will provide additional opportunities for comment, as appropriate, prior to taking final action to change or eliminate these emission limitations.

EPA also finds that it has good cause to make this action immediately effective in order to relieve CEI of the need either to comply with the stricter emission limitations or to justify its stack height increases.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is not expected to result in increased costs for any member of the regulated community or for consumers. This action preserves the status quo for CEI's plants, allowing them to continue to operate under the emission limitations that became effective on June 24, 1980. This action also relieves other existing sources affected by the June 24, 1980 policy change of the need to perform fluid modeling or field studies to justify stack height increases.

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

Dated: May 20, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-15821 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5929

[CA-3536]

California; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke Bureau of Reclamation (now Water and Power Resources Service) orders which withdrew 673.25 acres of lands for the Central Valley Project in California. All of the lands involved remain subject to the withdrawal made by the Act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q.) from location, entry and patent under the mining laws for the Whiskeytown-Shasta-Trinity National Recreation Area.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The order of the Secretary of the Interior dated November 16, 1932, as well as the orders of the Bureau of Reclamation dated July 14, 1948, February 19, 1952, and November 10, 1955, concurred in by the Bureau of Land Management on August 10, 1948, February 27, 1952, and March 12, 1956, withdrawing lands for the Central Valley Project, California, are hereby revoked so far as they affect the following described lands:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
  Sec. 8, NW¼NE¼;
  Sec. 9, Lots 1, 2, and 3, N½NE¼, and SW¼NE¼;
  Sec. 20, Lots 1, 4, 5, and 7;
  Sec. 21, Lot 1.
T. 35 N., R. 7 W.,
  Sec. 18, NE¼NE¼NE¼.
T. 36 N., R. 7 W.,
  Sec. 10, NW¼NW¼NE¼.
T. 35 N., R. 8 W.,
  Sec. 24, NE¼NE¼, SW¼NE¼, S½SE¼, and E½NE¼SE¼.

The area aggregates approximately 673.25 acres in Shasta and Trinity Counties.

2. The lands described are within the Whiskeytown-Shasta-Trinity National Recreation Area established by the Act of November 8, 1965 (79 Stat. 1295; 16 U.S.C. 460q.), and are subject to the provisions of the statute and regulations attendant thereto.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15900 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5923

[CA-3643]

California; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke a Bureau of Reclamation (now Water and Power Resources Services) Order which withdrew 903.93 acres of land for the Central Valley Project in California. All of the lands involved remain subject to the withdrawal made by Presidential Proclamation of October 3, 1905, for the Tahoe National Forest and all except 36.84 acres remain withdrawn by the Federal Energy Regulatory Commission from location, entry and patent under the mining laws for licensed Power Project 2079.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The order of the Bureau of Reclamation dated February 19, 1952, concurred in by the Bureau of Land Management, February 26, 1952, withdrawing lands for the American River Division, Central Valley Project, is hereby revoked so far as it affects the following described land:

Mount Diablo Meridian

T. 15 N., R. 13 E.,
Sec. 24, Lots 3, 4, 7, 8, 13, 14, 18, and 19;
Sec. 25 SE¼SW¼;
Sec. 36, Lots 1 through 14, inclusive, and Lot 19.

The area described aggregates approximately 903.93 acres in Placer County.

2. The lands described are within the Tahoe National Forest established by Presidential Proclamation October 3, 1905, and are subject to the provisions of that proclamation and regulations attendant thereto. All of the lands except Lot 19, Section 24, T. 15 N., R. 13 E., are within licensed Power Project 2079, withdrawn for the Federal Energy Regulatory Commission and remain closed from location, entry and patent under the mining laws, 30 U.S.C. Ch. 2.

3. At 10 a.m., on June 23, 1981, Lot 19, Section 24, T. 15 N., R. 13 E., shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 18, 1981
[FR Doc. 81-15900 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5928

[CA-8649]

California; Partial Revocation of Public Water Reserve No. 114

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order which withdrew certain lands as a public water reserve. The lands will be opened to operation of the public land laws generally, and to location under the nonmetalliferous mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 23, 1928, which withdrew the following described public lands for a public water reserve is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

Public Water Reserve No. 114

T. 9 S., R. 12 E.,
Sec. 28, S½SW¼, SE¼.

The area described contains 240 acres in Imperial County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received therafter shall be considered in the order of filing.

3. At 10 a.m. on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
May 18, 1981.
[FR Doc. 81-15901 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order No. 5932

[CA-3046]

California; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes five orders which withdrew lands from all forms of disposition under the public land laws, including the mining laws. This action will restore 1,027 acres of public lands to operation of the public land laws, including the mining laws; 7,864 acres remain withdrawn from operation of the public land laws, including the mining laws, for the Whiskeytown-Shasta-Trinity National Recreation Area; and 6,394 acres of Forest Service land will be open to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is orderd as follows:

1. The Orders of the Bureau of Reclamation (now the Water and Power Resources Service) dated November 10, 1932, February 19, 1952, September 25, 1954, and November 10, 1955, concurred in by the Secretary of the Interior on November 16, 1932, February 27, 1952, October 21, 1955, and March 12, 1956, respectively, and Public Land Order No. 2225, dated December 16, 1960, which withdrew public lands for reclamation project sites, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 2, Lots 6 and 10 and S½SE¼;
Sec. 6, Lot 1 and SE¼NE¼;
Sec. 10, Lot 4;

Sec. 12, Lots 1, 2, and 3, S½NW¼, and W½SE¼.
T. 33 N., R. 6 W.,
Sec. 31, N½NE¼SE¼ and N½N½NW¼SE¼.
T. 33 N., R. 7 W.,
Sec. 34, S½NE¼.
T. 35 N., R. 7 W.,
Sec. 2, SE¼;
Sec. 4, Lots 1, 6, and 8, and N½SW¼;
Sec. 6, Lots 2 and 9 and W½ Lot 7;
Sec. 8, SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, and N½S½SW¼;
Sec. 16, S½N½NW¼NE¼, S½NW¼NE¼, S½N½N½NW¼, and S½N½NW¼;
Sec. 18, W½ Lot 1, W½ Lot 2, and N½ Lot 3;
Sec. 20, SW¼NE¼, N½NW¼, N½SW¼SW¼, and SE¼SW¼;
Sec. 30, NW¼NE¼ and S½NE¼.
T. 36 N., R. 7 W.,
Sec. 1, NE¼SW¼NE¼ and W½SE¼SW¼NE¼;
Sec. 10, NE¼NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SE¼SE¼NW¼, and NW¼SW¼;
Sec. 12, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NE¼SW¼, NE¼NW¼SW¼, S½N½SW¼, and NW¼SE¼;
Sec. 14, NE¼SW¼ and S½NW¼SW¼;
Sec. 20, W½NE¼, W½SE¼SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 22, NE¼NE¼, SE¼NW¼NE¼, SE¼SE¼NW¼, and E½E½SW¼;
Sec. 28, S½NE¼NE¼, E½SW¼NE¼, SE¼NE¼, and E½SE¼SW¼;
Sec. 32, NE¼NW¼, W½SE¼NW¼, and NW¼NE¼SW¼;
Sec. 34, SE¼NW¼.
T. 37 N., R. 7 W.,
Sec. 20, Lot 4, E½NW¼NE¼, and NE¼SW¼NE¼;
Sec. 28, E½SW¼SW¼;
Sec. 29, W½SW¼NW¼ and W½NE¼SW¼;
Sec. 32, W½W½NE¼;
Sec. 36, S½NW¼ and SW¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, and S½SW¼;
Sec. 6, W½NE¼;
Sec. 8, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼;
Sec. 14, Lots 1, 2, 3, and 7, NW¼NE¼, N½NW¼, SW¼SW¼, and E½SE¼;
Sec. 15, NE¼ and S½NW¼.
T. 34 N., R. 8 W.,
Sec. 2, E½ Lot 2 and S½S½NW¼;
Sec. 5, S½S½NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 6, S½SE¼NE¼, NE¼NE¼SW¼, S½ of Lot 6, S½NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 7, S½NE¼NE¼, W½NE¼, N½SE¼NE¼, Lots 1 and 2, E½NW¼, N½NE¼SW¼, N½ and SW¼ Lot 3, NW¼ and S½ Lot 4, and S½S½SE¼;
Sec. 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and S½SW¼SW¼;
Sec. 18, E½, W½ Lot 1, W½ Lot 2, W½ and SE¼ Lot 3, Lot 4, NE¼NE¼SW¼, S½NE¼SW¼, and SE¼SW¼;
Sec. 19, All;
Sec. 21, E½SW¼, N½NW¼SE¼, and SW¼NW¼SE¼;
Sec. 27, W½NW¼ and Lot 8;
Sec. 28, S½SE¼NE¼, E½NW¼, W½NE¼SW¼, SW¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and SW¼SE¼;
Sec. 30, All;
Sec. 31, SW¼ and SW¼SE¼;
Sec. 32, E½NE¼, E½NW¼, Lots 1 and 6, W½E½SE¼, and SE¼SE¼SE¼;
Sec. 33, Lot 9;
Sec. 34, Lots 5, 6, and 11, and N½SW¼.
T. 35 N., R. 8 W.,
Sec. 12, NE¼NE¼NE¼NE¼, S½NE¼ NE¼NE¼, and S½NE¼NE¼;
Sec. 16, W½NE¼, NE¼SW¼, W½NW¼SE¼, and W½E½NW¼SE¼;
Sec. 19, N½SW¼SE¼, SW¼SW¼SE¼, and SE¼SE¼;
Sec. 20, E½E½ and E½W½SE¼;
Sec. 21, S½NE¼NE¼SE¼ and SE¼NE¼SE¼;
Sec. 22, SW¼NE¼ and NW¼SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼, N½SW¼NW¼, and SE¼SW¼NW¼;
Sec. 26, SW¼NE¼, NE¼SW¼, and N½SE¼SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼;
Sec. 29, E½NE¼, E½W½NE¼, and W½NW¼SW¼;
Sec. 32, W½SW¼NE¼ and E½SE¼ NW¼;
Sec. 34, N½S½NE¼, SW¼SW¼NE¼, N½SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 36, S½S½NE¼NE¼, S½NW¼NE¼, NE¼NE¼SW¼, and S½S½SW¼.
T. 34 N., R. 9 W.,
Sec. 1, S½;
Sec. 2, W½ Lot 4, W½SW¼NE¼, S½NW¼, and S½;
Sec. 3, Lots 1, 2, 3, and 4, and S½N½;
Sec. 10, All;
Sec. 12, All;
Sec. 13, S½;
Sec. 14, All;
Sec. 15, All;
Sec. 24, All.
T. 35 N., R. 9 W.,
Sec. 24, NW¼NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 26, All;
Sec. 34, NE¼ Lot 1, S½NE¼NW¼, W½NW¼, Lots 3, 7, 8, and 9, and those portions of M.S. 4359 lying within the SW¼, within the NW¼SE¼, and within the SW¼SE¼of said Section 34.

Aggregating approximately 15,285 acres in Shasta and Trinity Counties.

2. The following described lands remain withdrawn from all forms of appropriation under the public laws, including the mining laws, for the Whiskeytown-Shasta-Trinity National Recreation Area administered by the National Park Service:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 6, SE¼NE¼.
T. 35 N., R. 7 W.,
Sec. 4, Lots 1, 6, and 8, and N½SW¼;
Sec. 6, Lots 2 and 9, and W½ Lot 7;
Sec. 8, SW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, N½SW¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, and N½S½SW¼;
Sec. 16, S½N½NW¼NE¼, S½NW¼NE¼, S½N½N½NW¼, and S½N½NW¼;
Sec. 18, W½ Lot 1, W½ Lot 2, and N½ Lot 3;
Sec. 20, SW¼NE¼, N½NW¼, N½SW¼SW¼, and SE¼SW¼;
Sec. 30, NW¼NE¼ and S½NE¼.
T. 36 N., R. 7 W.,
Sec. 1, NE¼SW¼NE¼ and W½SE¼ SW¼NE¼;
Sec. 10, NE¼NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, W½NE¼SE¼NW¼, SE¼NE¼ SE¼NW¼, SE¼SE¼NW¼, and NW¼SW¼;
Sec. 12, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NW¼NE¼SW¼, NE¼NW¼SW¼, S½N½SW¼, and NW¼SE¼;
Sec. 14, NE¼SW¼ and S½NW¼SW¼;
Sec. 20, W½NE¼, W½SE¼SW¼, NW¼SE¼, and N½SW¼SE¼;
Sec. 22, NE¼NE¼, SE¼NW¼NE¼, SE¼SE¼NW¼, and E½E½SW¼;
Sec. 28, S½NE¼NE¼, E½SW¼NE¼, SE¼NE¼, and E½SE¼SW¼;
Sec. 32, NE¼NW¼, W½SE¼NW¼, and NW¼NE¼SW¼;
Sec. 34, SE¼NW¼.
T. 37 N., R. 7 W.,
Sec. 20, Lot 4, E½NW¼NE¼, and NE¼SW¼NE¼;
Sec. 28, E½SW¼SW¼;
Sec. 29, W½SW¼NW¼ and W½NE¼SW¼;
Sec. 32, W½W½NE¼;
Sec. 36, S½NW¼ and SW¼.
T. 33 N., R. 8 W.,
Sec. 4, SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, and S½SW¼;
Sec. 6, W½NE¼;
Sec. 8, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, and SE¼SE¼NE¼.
T. 34 N., R. 8 W.,
Sec. 2, E½ Lot 2 and S½S½NW¼;
Sec. 5, S½S½NW¼, NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½E½SW¼, NE¼NE¼SW¼, SE¼SE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼;
Sec. 6, S½SE¼NE¼, NE¼NE¼SW¼, S½ of Lot 6, S½NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 7, S½NE¼NE¼, W½NE¼, N½SE¼NE¼, Lots 1 and 2, E½NW¼, N½NE¼SW¼, N½ and SW¼ Lot 3, NW¼ and S½ Lot 4, and S½S½SE¼;
Sec. 8, S½SW¼NE¼, SE¼NE¼, E½SW¼, and S½SW¼SW¼;
Sec. 18, E½, W½ Lot 1, W½ Lot 2, W½ and SE¼ Lot 3, Lot 4, NE¼NE¼SW¼, S½NE¼SW¼, and SE¼SW¼;
Sec. 21, E½SW¼, N½NW¼SE¼, and SW¼NW¼SE¼;

Sec. 27, W½NW¼ and Lot 8;
Sec. 28, S½SE¼NE¼, E½NW¼, W½NE¼SW¼, SW¼SW¼, NE¼SE¼, SE¼NW¼SE¼, and SW¼SE¼;
Sec. 33, Lot 9;
Sec. 34, Lots 5, 6, and 11, and N½SW¼.
T. 35 N., R. 8 W.,
Sec. 12, NE¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, and S½NE¼NE¼;
Sec. 16, W½NE¼, NE¼SW¼, W½NW¼SE¼, and W½E½NW¼SE¼;
Sec. 21, S½NE¼NE¼SE¼ and SE¼NE¼SE¼;
Sec. 22, SW¼NE¼ and NW¼SE¼;
Sec. 24, NW¼NE¼, NE¼NW¼, N½SW¼NW¼, and SE¼SW¼NW¼;
Sec. 26, SW¼NE¼, NE¼SW¼, and N½SE¼SW¼;
Sec. 27, SE¼SW¼;
Sec. 28, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼;
Sec. 29, E½NE¼, E½W½NE¼, and W½NW¼SW¼;
Sec. 32, W½SW¼NE¼ and E½SE¼NW¼;
Sec. 34, N½S½NE¼, SW¼SW¼NE¼, N½SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 36, S½S½NE¼NE¼, S½NW¼NE¼, NE¼NE¼SW¼, and S½S½SW¼.
T. 34 N., R. 9 W.,
Sec. 1, S½;
Sec. 2, W½ Lot 4, W½SW¼NE¼, S½NW¼, and S½;
Sec. 3, Lots 1, 2, 3, and 4, and S½N½.
T. 35 N., R. 9 W.,
Sec. 26, S½;
Sec. 34, NE¼ Lot 1, S½NE¼NW¼, W½NW¼, Lots 3, 7, 8, and 9, and those portions of M.S. 4359 lying within the SW¼, within the NW¼SE¼, and within the SW¼SE¼ of said Section 34.

The area aggregates approximately 7,864 acres.

3. At 10 a.m., on June 23, 1981, the following described national forest lands, which lie within the boundaries of the Shasta-Trinity National Forest, shall be open to such forms of disposition as may be law by made of national forest land:

Mount Diablo Meridian

T. 35 N., R. 7 W.,
Sec. 2, SE¼.
T. 34 N., R. 8 W.,
Sec. 19, All;
Sec. 30, All;
Sec. 31, SW¼ and SW¼SE¼.
T. 35 N., R. 8 W.,
Sec. 19, N½SW¼SE¼, SW¼SW¼SE¼, SE¼SE¼;
Sec. 20, E½E½ and E½W½SE¼.
T. 34 N., R. 9 W.,
Sec. 10, All;
Sec. 12, All;
Sec. 13, S½;
Sec. 14, All;
Sec. 15, All;
Sec. 24, All.
T. 35 N., R. 9 W.,
Sec. 24, NW¼NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 26, N½.

The area aggregates approximately 6,394 acres.

4. At 10 a.m., on June 23, 1981, the following described public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 2, Lots 6 and 10, and S½SE¼;
Sec. 6, Lot 1;
Sec. 12, Lots 1, 2, and 3, S½NW¼, and W½SE¼.
T. 33 N., R. 6 W.,
Sec. 31, N½SE¼SE¼ and N½N½NW¼SE¼.
T. 33 N., R. 8 W.,
Sec. 14, Lots 1, 2, 3, and 7, NW¼NE¼, N½NW¼, SW¼SW¼, and E½SE¼;
Sec. 15, NE¼ and S½NW¼.

The area aggregates approximately 1,027 acres.

5. At 10 a.m., on June 23, 1981, the public lands described in paragraph 4 will be open to location under the United States mining laws. All the lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15905 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

---

43 CFR Public Land Order 5935

[CA-371]

California; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke two Departmental Orders which withdrew 1,027.83 acres of land for the Shasta Division of the Central Valley Project in California. This action restores the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of November 6, 1947, and October 21, 1955, which withdrew lands for the Shasta Division, Central Valley Project, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian

T. 33 N., R. 5 W.,
Sec. 19, lot 1, SE¼NW¼, NW¼SE¼;
Sec. 20, lots 1, 2, 3, 4, 5, and E½NW¼.
T. 33 N., R. 6 W.,
Sec. 24, All, excepting therefrom that portion thereof lying within the boundaries of Mineral Surveys 3937, 5231, 5441, 5595, and 5597.
Sec. 25, NE¼, E½NW¼, NW¼NW¼, E½SW¼, SE¼ excepting therefrom those portions thereof lying within the boundaries of Mineral Surveys 3937, 5595, and 5597.

The area described aggregates approximately 1,027.83 acres in Shasta County.

The lands are located about 9 miles northwest of Redding, California. The primary use of these lands is recreation.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been open to applications and offers under the mineral and geothermal leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15906 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5936

[LA-0167426]

California; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes the Departmental Orders which withdrew 2,080 acres of lands for the Colorado River Project. This action will restore 774 acres to operation of the public land laws, including the mining laws. The 1,306 acres of lands patented to the Metropolitan Water District pursuant to the Act of June 18, 1932, reserving all minerals to the United States will remain segregated from the mining and mineral leasing laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of August 26, 1902 and September 8, 1903, withdrawing lands for the Colorado River Project, California, are hereby revoked insofar as they affect the following described lands:

San Bernardino Meridian

T. 2 N., R. 27 E.,
Sec. 5, All;
Sec. 6, All;
Sec. 7, N½ and SW¼;
Sec. 8, N½.

The area aggregates 2,080 acres in San Bernardino County.

The lands are located in the extreme eastern part of the State at the edge of the Whipple Mountains near Parker Dam and the Colorado River. The topography of the lands vary from relatively flat to extremely steep slopes. Vegetation consists of scattered creosote, bursage, ironwood, palo verde, cholla, beaver tail and ephemeral forbs.

2. Of the lands listed in paragraph 1, the following described public lands shall at 10 a.m. on June 23, 1981, be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered in the order of filing.

San Bernardino Meridian

T. 2 N., R. 27 E.,
Sec. 5, N½SE¼NE¼, those portions of NE¼NE¼ not included in MWD patent;
Sec. 6, S½SW¼, SW¼SE¼;
Sec. 7, W½NE¼, SE¼NE¼, and W½;
Sec. 8, S½NW¼, SE¼NE¼, those portions of the SW¼NE¼ not included in MWD patent.

The area aggregates approximately 774 acres in San Bernardino County.

3. All the lands described in paragraph 2 will be open to location under the United States mining laws at 10 a.m. on June 23, 1981. They have been and continue to be open to applications and offers under the mineral leasing laws.

4. Of the lands described in paragraph 1, those lands patented to the Metropolitan Water District with minerals reserved to the United States remain segregated from the mining and mineral leasing laws pursuant to the Act of June 18, 1932, 47 Stat. 324.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15902 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5925

[M-40963]

Montana; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order and a Secretarial Order as to 160 acres of lands withdrawn as public water reserves. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office 406–657–6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of January 18, 1935, as Interpretation No. 212, is hereby revoked insofar as it affects the following described lands.

Principal Meridian

T. 5 N., R. 48 E.,
Sec. 12, NW¼NE¼.
T. 6 N., R. 45 E.,
Sec. 26, S½NE¼.
T. 5 N., R. 52 E.,
Sec. 20, NW¼NW¼.

The area described contains 160 acres in Custer County.

2. At 10 a.m. on June 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter, shall be considered in order of filing.

3. The lands will be open to nonmetalliferous mineral location under the United States mining laws at 10 a.m. June 23, 1981. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15904 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5888

[OR 20233]

Oregon; Partial Revocation of Public Water Reserve No. 86

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order in part as to 240 acres of public lands withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat.

2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of February 8, 1923, which withdrew certain lands for public water reserve purposes, is hereby revoked so far as it affects the following described public lands:

Willamette Meridian

Public Water Reserve No. 86

T. 39 S., R. 43 E.,
Sec. 11, SW¼SW¼.
T. 39 S., R. 44 E.,
Sec. 3, SE¼SE¼;
Sec. 11, E½NE¼NW¼ and W½NW¼NW¼;
Sec. 14, NW¼NE¼;
Sec. 24, E½NE¼.
The area described contains 240 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the public lands described above will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

May 18, 1981.

[FR Doc. 81-15811 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5891

[OR 20237]

Oregon; Revocation of Public Water Reserve No. 94

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 160 acres of public land as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of September 25, 1925, which withdrew the following described public lands for public water reserve purposes is hereby revoked.

Willamette Meridian

Public Water Reserve No. 94

T. 20 S., R. 39 E.,
Sec. 22, N½NE¼ and NE¼NW¼;
Sec. 23, NW¼NW¼.

The area described contains 160 acres in Malheur County.

2. At 10 a.m., on June 23, 1981, the public lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on June 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on June 23, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

May 18, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-15810 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6062]

National Flood Insurance Program; Final Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final Rule; Correction.

SUMMARY: In the Federal Register, FR Doc. 81-11032, appearing at pages 21605 thru 21617 in the issue of April 13, 1981, the heading above the table for the Final Base Flood Elevations is incorrect. The heading reads: Final Base (10-year) Flood Elevations. It should be corrected to the following:

Final Base (100-year) Flood Elevations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-15716 Filed 5-27-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 31

[CC Docket No. 79-105; RM-3017]

Accounting for Station Connections, Optional Payment Plan Revenues and Related Capital Costs, Customer Provided Equipment and Sale of Terminal Equipment; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The Commission has adopted amendments to its rules prescribing a uniform system of accounts for telephone companies. The Federal Communications Commission published these amendments at 46 FR 19481, March 31, 1981. This document makes necessary corrections because of omissions and inaccuracies which occurred in the preparation and printing of these amendments.

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

FOR FURTHER INFORMATION CONTACT: Michael Wilson, Common Carrier Bureau, (202) 632-3863.

Adopted: May 18, 1981.
Released: May 18, 1981.

In the matter of an amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone

Companies, of the Commission's Rules and Regulations with respect to accounting for station connections, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment, CC Docket No. 79-105, RM-3017, errata.

On March 31, 1981, the Commission released the First Report and Order in the above-captioned proceeding (46 FR 19481; March 31, 1981). A number of inadvertent errors were contained in the rule revisions in Part 31 of the Commission's Rules, as set forth in the Appendix. The following items should be corrected to read as indicated.

On page 19490, in item 5, the Note in § 31.124 should have the words "customer provided" added after the word "connect".

On page 19491, in item 7, the second sentence of Note A in § 31.232 should have the word "not" added so that the sentence reads: "The cost of cables used in installing equipment includable in account 234, 'Large private branch exchanges,' shall be included in that account and shall *not* be included in whole or in part in account 232." Note C in this item should have the first word changed from "Provision" to "Provisional".

On page 19492, in item 11, the word "customer" in the third item in the items list in § 31.316 should be changed to "custom" and the word "same" in the fourth item should be changed to "sale".

On page 19492, in item 13, in paragraph (b) of § 31.6-61 the words "does not include" should replace the words "also includes" and the word "provided" should replace the word "owned" so that the sentence reads as follows: "The cost of repairs does not include expenses associated with the provision of repair services on customer provided telecommunications equipment. (Note also account 316)."

On page 19492, item 16, paragraph (c) of § 31.605 should have the word "disconnecting" added so that the sentence reads: "This account shall include also the cost of disconnecting or removing station apparatus and disconnecting inside wiring."

(Secs. 4, 220, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15890 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 62]

International Maritime Dangerous Goods Code; Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendments 17-79 and 18-79 to the IMCO Code. This document has been approved for incorporation by reference by the Director of the Office of the Federal Register.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos (202-426-0656), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendments 17-79 and 18-79 to the IMCO Code which have recently been published by the Inter-Governmental Maritime Consultative Organization (IMCO). These amendments promulgate numerous miscellaneous changes to the IMCO Code and address such matters as listing, classification, labeling, packaging and documentation. IMCO has established June 1, 1981, as the implementation date for these amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17), is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(17) "International Maritime Dangerous Goods Code" (IMCO Code), Volumes I, II, III and IV, 1977 Edition, and Amendments 14-76, 15-77, 16-78, 17-79 and 18-79 thereto.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that, since this rule does not impose additional requirements, the document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 CFR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-15985 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 577

[Docket No. 80-17; Notice 2]

Defect and Noncompliance Notification

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule, correction.

SUMMARY: On January 22, 1981 (46 FR 6971), the agency published a final rule amending 49 CFR 577.5(g)(1)(vii) to require the use of the agency's toll free telephone number in all defect and noncompliance notification letters. As the result of a typographical error, one of the digits in the telephone number published in the January notice was incorrect. This notice corrects that telephone number to 800-424-9393.

FOR FURTHER INFORMATION CONTACT: Roger Tilton, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-9511).

(Secs. 108, 112, and 119, Pub. L. 89-563; 80 Stat. 718; Secs. 102, 103, and 104, Pub. L. 93-492; 88 Stat. 1470 (15 U.S.C. 1397, 1401, 1408, and 1411-1420); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 21, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-15809 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub. No. 34]

Charleston, SC, Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By petition filed November 17, 1980, the Charleston Trident Chamber of Commerce seeks redefinition and extension of the Charleston, SC, commercial zone limits which have been defined individually as set forth in 49 CFR 1048.3. Petitioner proposed to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include points in Dorchester County. The present zone includes all points within 6 miles of Charleston, points in Charleston County, and a portion of Berkeley County. No statements in opposition to the petition were filed. The regulation set forth below is promulgated pursuant to the Commission's action on the evidence.

EFFECTIVE DATE: June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Rue (202) 275–7919 or Edward E. Guthrie (202) 275–7691.

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

§ 1048.3 [Amended].

Accordingly, Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations is amended by removing the period and inserting a semicolon at the end of paragraph 1048.3(c) and adding to the existing description the words "and all points in Dorchester County, SC".

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–15980 Filed 5–27–81; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Part 1109

[Ex Parte No. 320 (Sub-No. 2)]

Market Dominance Determinations and Consideration of Product Competition

AGENCY: Interstate Commerce Commission.

ACTION: Decision.

SUMMARY: This proceeding covers two issues—revision of our market dominance regulations and possible consideration of product (including geographic) competition as an issue in rail rate cases. The proceeding stems from provisions in the Staggers Rail Act of 1980. The issue of product competition in rate reasonableness determinations must, under the terms of the Staggers Act, be resolved by May 18, 1981. As a result, the two issues have been separated for decision.

The Commission has determined not to consider product competition in determining rail rate reasonableness. A decision on the other matters raised in our **Federal Register** Notice of December 18, 1980, 45 FR 83342—namely, those with regard to revision of our market dominance regulations including the issue of product competition in this context—will be issued separately.

EFFECTIVE DATE: This action is effective June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: In our notice in this rulemaking (45 FR 83342, 12–18–80 and 46 FR 10181, 2–2–81) we proposed to do two things: 1) amend our existing market dominance regulations (49 CFR 1109.1) and 2) determine to what extent and in what context we should consider "product competition" in a rate challenge. A proceeding to resolve this second issue was mandated by Section 205 of the Staggers Rail Act of 1980. Section 205 defines product competition such that it encompasses geographic competition as well. We did the same in the notice.

The Staggers Act requires that we issue a decision on product competition by May 18, 1981. In view of the May 18th deadline, we are deciding the product competition issue in advance of other matters raised in the notice.

We have carefully considered all the comments filed. Issues and arguments not discussed here have been analyzed and found unjustified or their discussion not necessary to resolve the limited issues addressed here.[1] We have concluded that product competition should not be considered as part of our rate reasonableness analysis. Its inclusion in our market dominance determinations will be addressed in the later decision in this proceeding.[2]

General Discussion

Product competition is defined in Section 205 of the Staggers Act as:

> [T]he availability to the consignee, at a competitive delivered cost and in sufficient quantities, of products or commodities which are of the same type as the commodity or product to which the rate in question applies, without regard to whether such products or commodities are available from the same or different origin as those to which the rate applies.[3]

In our notice, we indicated that, while we had declined to elevate evidence of product competition to the level of a rebuttable presumption of market dominance, we nevertheless had recognized it was a factor to consider in determining the extent to which railroads could exercise market power.[4] We also noted, and we continue to believe, that evidence on this subject is critical in certain cases. A finding of effective competition (i.e., the absence of market dominance) may depend on the shipper's ability to substitute one source or product for another. The shipper's ability to use alternative carriers or modes through access to substitute products or alternative geographic sources of supply may substantially affect a carrier's pricing decisions.[5]

We have two main reasons for concluding that product competition should not be a factor in our reasonableness determinations. First, as noted above, it bears on the question of effective competition—our jurisdictional limitation—and thus it is more appropriate to analyze it at this threshold stage. Second, we believe including it as a factor in a rate reasonableness determination would be inapposite and impractical because of the manner in which we currently assess a rate to be reasonable or unreasonable. Such assessments are based primarily on a comparison between the challenged rate and the cost of the movement to which it applies. In most instances, rates should be as close to costs as possible to insure efficient and

[1] The responses to our notice contained various motions, including requests to terminate the proceeding. As these motions were addressed to the market dominance issue, they will be resolved in the separate decision on that question.

[2] Concerns raised by the parties regarding practical application of the concept will also be addressed in the later decision.

[3] This definition thus includes geographic competition.

[4] "While certain evidence is not germane to computing market share, proponents of a rate may introduce evidence of potential competition, competition from private carriage, alternative product competition or geographic competition to show that effective competition exists." Special Proc. for Findings of Market Dominance, 359 I.C.C. 735, 736 (1979).

[5] See Railroad comments, V.S. of R.M. VanHook.

equitable pricing. Thus, our approach in prescribing maximum reasonable rates has been first to ascertain the cost of service and then to prescribe rates in terms of their relationship to cost. See Ex Parte No. 347 (Sub-No. 1), Coal Rate Guidelines—Nationwide, served November 18, 1980, and *Aggregate Volume Rate on Coal, Acco, Utah to Moapa, Nevada,* —— I.C.C. ——, served February 9, 1981.

Given the manner in which a rate is assessed, consideration of product competition would be difficult to quantify and would provide no additional insight since it has little, if any, bearing on the costs of a movement. Further, it would be of little or no use in evaluating those situations where rates in excess of costs are justified on efficiency grounds (e.g. common cost allocation). While the railroad commenters urge that it should be included, they offer no suggestions as to how it would relate to rate reasonableness based on cost analysis or how it could be quantified, and we cannot at his point develop a conceptual and practical framework for considering it.

There appears to be some confusion among the commenters regarding this issue. Bethlehem Steel Corp. and FMC Corp., for example, consider the product competition factor analogous to rate comparisons used in the past to judge reasonableness. The Bethlehem Steel Corp. argues that "the significance of product competition is a reaffirmation of the traditional concept that the primary standard for determining . . . reasonableness . . . is the comparison of rates applicable for similar traffic in the same territory". FMC Corp. suggests that the theory of product competition would compel us to equalize rates from different sources to the same destination. This interpretation is not germane to the issue of rate reasonableness as it applies to the concept of efficient and equitable (as opposed to equal) pricing. While it is true that product or source competition will restrain excessive pricing by railroads, this in no way implies that rates from different sources to the same destination would or should be equalized.

Product competition, as properly interpreted, would be of some relevance if rate comparison evidence were used to gauge the reasonableness of a rate. However, we have rejected use of rate comparisons as the primary test of reasonableness in favor of cost analysis. The 4R Act and the Staggers Act require us to consider railroad revenue need. Rate comparisons, standing alone, fail to reflect this consideration as they do not indicate whether rates are sufficiently high to cover costs. In a rate comparison, rates subject to product or any other form of competition could, theoretically be used as a standard to evaluate a challenged rate, the assumption being that such rates are, by definition, reasonable. Such an analysis, however, would tell us nothing about the adequacy of rates in terms of the revenue needs of a railroad. A rate could be competitive and, therefore, reasonable and, at the same time, insufficient to cover the costs of the movement to which it applies. Since cost analysis serves both purposes, its general usage is not only more practical but helps insure consistency between rate reasonableness and revenue need determinations.

Based on the foregoing, we conclude that product competition should not be included in our analysis of the reasonableness of a challenged rate. We are unable to develop a conceptual and practical framework to reflect the manner in which the existence of substitute products or alternative sources of supply relate to the relationship between a challenged rate and the cost of the movement to which it applies. In view of our tentative conclusions in Ex Parte No. 347 (Sub-No. 1), *supra,* and the record developed here, we conclude that consideration of product competition would be unsuitable for rate reasonableness determinations.

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

(Section 205, Staggers Rail Act of 1980, 49 U.S.C. 10321, 10709, 5 U.S.C. 553.)

Dated: May 14, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15181 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

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

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on Proposed Rules

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Quarterly Report.

SUMMARY: The Nuclear Regulatory Commission has issued the April 30, 1981, Quarterly Report on Proposed Rules. The Report, which is a quarterly summary of proposed rules that are pending final action, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESSES: A copy of this report, designated NRC Status of Proposed Rules—April 30, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Requests for single copies of the report, or a request to be placed on an automatic distribution list for single copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland this 20th day of May 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-15901 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

NOW Account Eligibility

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Proposed interpretation.

SUMMARY: The FDIC is requesting comment from the public on a proposal made by the Board of Governors of the Federal Reserve System. This proposal seeks to clarify the rules concerning the class of depositors eligible to maintain Negotiable Order of Withdrawal (NOW) accounts. This proposed interpretation is prompted by requests from nonmember banks and their customers for rulings and opinions concerning the eligibility for NOW accounts.

DATE: Comments must be received by June 29, 1981.

ADDRESS: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel (202/389–4261), or Kathy A. Johnson, Attorney (202/389–4384), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96–221) ("Act") authorizes depository institutions (except credit unions which are authorized to offer share draft accounts) nationwide, effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid, to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Presently, under Part 329, insured nonmember banks may offer NOW accounts to (1) individuals, (2) organizations operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit, and (3) public units operated primarily for charitable, educational, or other similar purposes.

The FDIC has received a significant number of requests from insured nonmember banks and their customers for rulings and opinions concerning NOW account eligibility since the enactment of the Act. In many instances these requests have required the consideration of subtle distinctions that are not altogether practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have risen among insured nonmember banks concerning the class of depositors eligible to hold NOW accounts, the FDIC believes it is appropriate at this time to simplify and clarify the rules concerning NOW account eligibility.

The Federal Reserve has issued a proposed interpretation of Regulation Q which would clarify the eligibility requirements for NOW accounts. (Regulation Q authorizes member banks to offer NOW accounts.) This interpretation would provide that the following depositors are eligible to hold NOW accounts: (1) individuals, if the funds are not used primarily for business purposes, (2) nonprofit organizations described in Section 501(c) (3) through (13) and (19) and Section 528 of the Internal Revenue Code, and (3) public units, if the funds are funds of schools, colleges, universities, libraries, or hospitals. Under this interpretation, all businesses that are operated for profit, including sole proprietorships (which would also be excluded from eligibility for Automatic Transfer Service accounts (ATS accounts)), partnerships, corporations, and other organizations, and most public units would not be permitted to maintain NOW accounts. The Federal Reserve has also proposed a phaseout of all NOW and ATS accounts opened prior to April 8, 1981 which were eligible for those accounts at that time, but which would become ineligible upon the adoption of the proposed interpretation. These accounts could be maintained until December 31, 1981. These proposals were published in a notice on pages 22600–22602 of the **Federal Register** of April 20, 1981, and reference should be made to that notice for a more detailed explanation of the interpretation, its basis, and purpose.

Since the FDIC believes that clarification of the eligibiity requirements for NOW accounts is necessary, it is inviting interested parties to comment on the Federal Reserve's proposed interpretation and would also be interested in comments

on any alternative interpretations which would facilitate the determination of eligibiity for NOW accounts under Part 329 in an equitable manner. Any comments on the exclusion of sole proprietorships from ATS account eligibility and the proposed phaseout are also requested.

It should be noted that the FDIC does not propose to change the existing policy concerning eligibility for traditional passbook and statement savings accounts. Comments will assist the FDIC in the coordination of its NOW account eligibility policy with the other Federal financial institution regulatory agencies.

By order of the Board of Directors, May 18, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-15824 Filed 5-27-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 782 3052]

Zale Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, that a Dallas, Texas retailer cease, in connection with the extension of open end credit, failing to comply with the billing error resolution procedures required by federal law. The firm would be required to send a prescribed "Billing Complaint Form" to specified customers and upon receipt of such forms, investigate each billing error claim and either refund or credit the amount in error, or provide the customer with proof that the claim was incorrect; take reasonable steps to correct any erroneous credit report; and pay all unpaid credit balances which existed after April 1, 1975, plus daily interest. The order would also require the firm to include a specified disclosure on all future periodic statements which reflect a credit balance, and pay all credit balances upon written request, or automatically after 7 months if no request has been made.

DATE: Comments must be received on or before July 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 782 3052]

Zale Corp., a Corporation, Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Zale Corporation, a corporation, and it now appearing that Zale Corporation, a corporation, hereinafter sometimes referred to as respondent or proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Zale Corporation, by its duly authorized officer and attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Zale Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Texas, with its office and principal place of business located at 3000 Diamond Park Drive, in the City of Dallas, State of Texas.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of 60 days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist ("Order") in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders of the Commission. The Order shall become final upon service. Delivery by the U.S. Postal Service of the compliant and decision containing the Order, to proposed respondent's address as stated in this agreement, shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in this agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed complaint and Order. It understands that once the order has been served (1) it will be required to file two or more compliance reports showing it has fully complied with the Order and

(2) it may be liable for civil penalties in the amount provided by law for each violation of the Order.

Order

I

It is ordered, That respondent Zale Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of "open end credit," including "consumer credit" extended on an account by use of a "credit card," as those terms are defined in Regulation Z (12 CFR Part 226), the implementing regulation of the Truth in Lending Act (15 U.S.C. 1601 et seq., as amended), do forthwith cease and desist from:

A. Failing, within 30 days after receipt of any proper written notification of a billing error (as defined in Regulation Z), to mail or deliver a written acknowledgment thereof to the customer's current designated address, as prescribed by § 226.14(a)(1) of Regulation Z, 12 CFR 226.14(a)(1), unless:

1. the customer has agreed, within such 30-day period, that the periodic statement is correct; or

2. respondent has taken the applicable action specified in Paragraph I.B.1–3 of this Order within such 30-day period.

B. Failing, not later than two complete billing cycles (and in no event more than 90 days) from the date of receipt of any proper written notification of a billing error, to resolve the dispute by:

1. Correcting the customer's account in the full amount indicated by the customer to have been erroneously billed, and mailing or delivering to the customer a written notification of correction(s) in the manner prescribed by § 226.14(a)(2)(i) of Regulation Z, 12 CFR 226.14(a)(2)(i); or

2. Correcting the customer's account by an amount different from that indicated by the customer as being erroneously billed, and mailing or delivering to the customer a written explanation of the change(s), accompanied by copies of documentary evidence of the customer's indebtedness if such evidence is requested by the customer, in the manner prescribed by § 226.14(a)(2)(ii) of Regulation Z, 12 CFR 226.14(a)(2)(ii); or

3. Mailing or delivering to the customer, after having conducted a reasonable investigation, a written explanation or clarification which sets forth the reason(s) why respondent believes the periodic statement is correct, and, if the customer requests, furnishing copies of documentary evidence of the customer's indebtedness, in the manner prescribed by § 226.14(a)(2)(iii) of Regulation Z, 12 CFR 226.14(a)(2)(iii).

Provided, however, That respondent need not perform the actions specified in this Paragraph I.B if the customer has agreed, not later than two complete billing cycles (and in no event more than 90 days) from the date of respondent's receipt of the proper written notification of a billing error, that the periodic statement is correct.

C. Taking or causing any action, prior to the time the dispute has been resolved as provided in Paragraph I.B. of this Order, to collect:

1. any portion of an amount indicated in the customer's notification as being a billing error; or

2. any finance charge, late payment charge, or other charge computed on such disputed amount.

D. Failing, in each instance where respondent has not complied with any requirement of § 226.14 of Regulation Z, 12 CFR 226.14, to forfeit the right to collect from the customer the amount indicated to be a billing error, including corresponding finance and other charges, up to $50 (the "forfeited amount"), as required by § 226.14(f)(1) of Regulation Z, 12 CFR 226.14(f)(1); and

1. If the customer pays or has paid all or part of the forfeited amount, to either credit that amount to the customer's account or refund it to the customer, and notify the customer as to why the credit or refund has been made; or

2. If the customer has not paid all or part of the forfeited amount, to act in a manner consistent with such forfeiture, including, but not limited to, continuing to reflect such amount in periodic statements, taking any collection action, or reporting nonpayment to any third party, and include an explanation, where appropriate, of what action has been taken.

E. Failing to comply with any requirement of § 226.14 of Regulation Z, as amended, 12 CFR 226.14, as amended.

F. Failing to mail or deliver to each customer who has an open end credit account, for each billing cycle at the end of which there is an outstanding debit or credit balance in excess of $1.00 in that account or with respect to which a finance charge is imposed, a statement which the customer may retain and which:

1. Sets forth the amount of the outstanding balance in the account at the beginning and closing dates of the billing cycle, and appropriately identifies any credit balance as such, as required by § 226.7(b)(1) (i) and (ix) of Regulation Z, 12 CFR 226.7(b)(1) (i) and (ix);

2. Sets forth the amounts and dates of crediting to the account during the billing cycle, as required by § 226.7(b)(1)(iii) of Regulation Z, 12 CFR 226.7(b)(1)(iii);

3. Sets forth an address to be used by respondent for the purpose of receiving billing inquiries from customers, preceded by the caption "Send Inquiries To:" indicating that the address is the proper location to send such inquiries, as required by § 226.7(b)(1)(x) of Regulation Z, 12 CFR 226.7(b)(1)(x); and

4. Sets forth all other items required by § 226.7(b) of Regulation Z, 12 CFR 226.7(b), in the manner prescribed by Section 226.7(c) of Regulation Z, 12 CFR 226.7(c).

G. Failing to comply with any requirement of § 226.7(a)(9), (d), (g), and (h) of Regulation Z, 12 CFR 226.7(a)(9), (d), (g), and (h).

II

It is further ordered, That respondent:

A. Shall prepare a form (hereinafter referred to as Billing Complaint Form) in exactly the wording set forth in Attachment A of this Order (except that the name of the issuing entity may change as appropriate), printed clearly and conspicuously in 10-point, .075 inch computer or larger type. This form shall be mailed in duplicate, accompanied by a pre-addressed return envelope, with no additional information to the contrary or in mitigation thereof, within 120 days after service upon it of this Order:

1. To each person to whom a periodic statement is mailed or delivered at any time during either of two consecutive billing cycles within the aforesaid 120-day period;

2. To each other person whose open end credit account has been administered by or assigned to respondent's Zale Division Central Credit Offices in Seattle, Washington, and Portland, Oregon, at any time between October 28, 1975, and the date of service of this Order: *Provided*, That where an account has been maintained in the names of more than one person, respondent may send one Billing Complaint Form; and

3. To each other person who makes a written complaint, other than a proper written notification of a billing error (as defined in Regulation Z), about a billing error that occurred on or after October 28, 1975, but before the date of service of this Order upon respondent: *Provided*, That if respondent receives such a written complaint more than 120 days after service upon it of this order,

respondent must mail the Billing Complaint Form within 30 days of receiving such complaint.

B. Shall send to all of respondent's retail store and credit center personnel, within 10 days from the date of publication in the **Federal Register** of the agreement containing this Order, a bulletin which instructs them that in the event they receive an oral complaint about a billing error that occurred on or after October 28, 1975, but before the date of service of this Order upon respondent, each such complainant is to be advised (1) to make the complaint in writing, and (2) to whom such complaint is to be mailed or otherwise delivered.

C. Shall, within 60 days after receipt of each Billing Complaint Form:

1. Conduct and complete a reasonable investigation of the claimed billing error(s).

2. If the claimed billing error(s) is (are) incorrect, mail or deliver a written explanation to the customer setting forth the reason(s) why respondent believes the customer was mistaken, and furnish copies of all documents which support respondent's conclusion.

3. If the claimed billing error(s) is (are) correct in whole or part, or if respondent does not have documentary evidence showing that such claim(s) is (are) incorrect:

a. Mail a check to the customer in the amount of the billing error(s); or

b. If an account for the customer exists, make a credit to the customer's account in the amount of the billing error(s); or

c. Open an account for the customer if no account exists therefore at that time, if the customer consents in writing to an account being opened, and make a credit to that account in the amount of the billing error(s).

4. If respondent makes a payment or credit pursuant to Paragraph II.C.3 of this Order, and the customer has indicated on the Billing Complaint Form that a disputed account has been reported to any third party as delinquent, correct respondent's records to show that the account was paid as agreed, and take reasonable steps to insure that the report to any third parties is corrected: *Provided*, The customer submits his/her address and account number or other information to enable respondent to identify such party (parties).

5. Notify the customer in writing of the action(s) taken pursuant to this Paragraph II.C. For purposes of this subparagraph, respondent may place the required writing, *inter alia*, on a check, payment voucher attached to a check, or on the front or reverse of a periodic statement.

III

It is further ordered, That respondent Zale Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in the handling of credit balances arising subsequent to service of this Order, on open end credit accounts created or maintained in connection with the sale of merchandise or services to the public, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall:

A. Include the following disclosure clearly and conspicuously in 10-point, .075 inch computer or larger type, separated from any other written matter, entirely on the front side of each periodic statement reflecting a credit balance, and accompanied by a pre-addressed return envelope:

> To get your credit balance now, write "I want a refund" on this statement. Mail it back to us in the enclosed envelope.

B. Refund the full amount of each credit balance within 30 days after a customer requests a refund by mail, except to the extent that such amount has already been refunded or credited against further purchases on that account.

C. Refund the full amount of each credit balance in excess of $1.00 no later than 30 days after the end of the sixth consecutive month during which a credit balance existed. The amount to be refunded shall be the credit balance existing at the end of the sixth month.

D. Refrain from writing off, deleting or transferring any credit balance in excess of $1.00 until a refund has been made or until the customer has made a fully offsetting purchase, unless respondent has taken all applicable actions required by Parts III and V.B of this Order with respect to that account.

E. Refrain from writing off, deleting or transferring any credit balance of $1.00 or less until:

1. The customer has made a fully offsetting purchase; or

2. The credit balance has existed for seven consecutive months and the customer has been advised at least once in writing that such credit balance will be forfeited after it has existed for seven months unless a refund is requested by the customer.

F. Send to all of respondent's retail store and credit center personnel, within 10 days from the date of publication in the **Federal Register** of the agreement containing this Order, a bulletin which instructs them that in the event they receive a request for a refund of a credit balance they are to advise the person requesting such refund (1) to make the request in writing, and (2) to whom such request is to be mailed or otherwise delivered.

IV

It is further ordered, That respondent shall, with respect to each customer whose open end account had a credit balance in excess of $1.00 at any time between April 1, 1975, and the date of service of this Order (if such balance has not been refunded, no fully offsetting purchase has been made, or the attempts to locate the customer described in Part V.B of this Order have not been made):

A. Mail a check to the customer in the amount of the credit balance, including daily interest on such amount from the date of its creation, computed at an annual rate of 6 percent (simple) interest, no later than 90 days after the service of this Order.

Provided, however, That respondent need not pay interest on any credit balance for which a refund check in the amount of the credit balance was mailed by respondent to the customer prior to August 4, 1978.

B. Notify the customer in writing that the check represents a refund of the credit balance, plus interest on the credit balance (if any). This notification must be placed on the check, on the payment voucher attached to the check, or on a notice sent with the check.

C. Refrain from writing off, deleting or transferring any such credit balance until a refund has been made or the customer has made a fully offsetting purchase, unless respondent has taken all applicable actions required by Parts IV and V.B of this Order with respect to that account.

V

It is further ordered, That:

A. Each payment required by this Order shall be given to the customer in person or by mailing a check payable to the order of the customer.

B. Each check, Billing Complaint Form, disclosure, or notice required by this Order shall be sent by First Class mail in an envelope which clearly states that it is from respondent (or the entity of respondent which the customer did business with), to the customer's last address shown in respondent's records. Each check required to be sent by this Order, and each Billing Complaint Form required to be sent by Paragraphs II.A.2 and II.A.3. of this Order, shall include the notation "Address Correction Requested" on the envelope. In the event that any such check, disclosure or

notice concerning a credit balance or payment in the amount of $10 or more is returned to respondent undelivered, respondent shall obtain from a credit bureau the most current address(es) available for the customer by means of an in-file report or other report on information then existing in the credit bureau's files. If a new address is obtained, respondent shall then resend such check, disclosure, or notice by First Class mail to the customer at the most current address obtained.

C. For each credit balance refund unpaid despite performance of the steps set out in Paragraph V.B of this Order, respondent:

1. Shall, except as provided in Paragraph V.C.2 of this Order, make available to the customer as a credit to his/her account the full amount of the credit balance for one year from the date on which the most recent mailing was returned; and

2. Shall refund the full amount of the credit balance within 30 days of any subsequent oral or written request therefor by the customer.

VI

It is further ordered, That responent shall maintain complete business records relative to the manner and form of its continuing compliance with this Order, including but not limited to (1) the data enumerated in Paragraph VII.E of this Order; (2) the number and dollar amount of credit balances refunded, on an annual basis; and (3) the name and address of each customer who requested a refund of a credit balance but whose request was refused, the date and amount of the request, and the date and reason(s) for the refusal. With respect to Paragraphs I.A–I.D of this Order, such records shall include every written notification of billing error respondent received, copies of all notices, corrections and correspondence mailed or delivered in response thereto, documentation of "reasonable investigations," and all other evidence of compliance. Respondent shall retain all such records and data for at least three years and shall, upon reasonable notice, make them available for examination and copying by representatives of the Federal Trade Commission.

VII

It is further ordered, That:

A. For the purposes of this Order, every reference to the Truth in Lending Act or Regulation Z are understood to mean "as amended." "As amended" includes substantive as well as nonsubstantive (such as organizational) revisions to the current Act and Regulation.

B. Respondent shall forthwith distribute a copy of this Order to each of its operating divisions, and to all present and future personnel having policy responsibilities with respect to the subject matter of this Order, including but not limited to the manager of each central credit office and the manager of each retail store which handles its own billings or receives billing complaints.

C. Respondent shall notify the Commission at least 30 days prior to:

1. Any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation; and

2. Any other change in the corporation, including the creation or dissolution of subsidiaries, which may affect compliance obligations arising out of this Order.

D. Respondent shall file with the Commission, within 60 days after service of this Order, a written report setting forth in detail the manner and form in which it has complied with this Order.

E. Respondent shall file with the Commission, within 180 days after service of this Order, a written report setting forth all of the following data for each of its operating divisions:

1. The number and dollar amounts of credit balances which, pursuant to Paragraph IV of this Order, were:

a. Refunded;

b. Offset by further purchases made on the customer's account; and

c. Retained by respondent because the customer could not be located.

2. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order.

3. The number and dollar amounts of payments made to customers and credits made to customers' accounts pursuant to Part II of this Order.

4. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order for which no payments were made to customers and no credits were made to customers' accounts.

5. The number of Billing Complaint Forms received from customers pursuant to Part II of this Order which indicated that a disputed account has been reported to any third party as delinquent, and the names and addresses of all third parties respondent contacted pursuant to Part II of this Order.

Attachment A to Zale Corporation Order; Important Notice

This notice deals with mistakes we may have made in your bills since October 28, 1975. If you wrote to us about possible billing errors, we may not have handled your complaint as we should have under federal law.

If there was a mistake and we have not yet corrected it, we will do so now. We may also owe you money.

Please fill in the accompanying form. Be sure to include your name, account number and address. After you fill in the form, sign it, date it and send it back to us in the attached envelope. A copy of the form is also attached for your records. Please send copies of all letters, bills and other papers dealing with any billing errors. Keep the originals.

But be sure to send us this form even if you don't have other papers. If you can't remember the exact dates or amounts, please estimate.

1. My bill of _____ contained a mistake or month/year $_____ which was never corrected.
The mistake was _____

(If we made more than one mistake, list the others on another piece of paper and explain in detail. Be sure to put your name on each piece of paper.)

2. If you think this mistake hurt your credit rating, we will tell the credit bureau that Zale settled the dispute in your favor.

Please provide as much of the following information as you can:

The city and state you lived in when the mistake on your bill occurred.

The location of the Zale store or Zale credit office involved.

The name and address of the credit bureau in that area, if you know.

Signature X _____
Name: _____
(Please Print)
Address: _____

Account Number (if known) _____
Date: _____

Attachment A to Zale Corporation Order Important Notice

This notice deals with mistakes we may have made in your bills since October 28, 1975. If you wrote to us about possible billing errors, we may not have handled your complaint as we should have under federal law.

If there was a mistake and we have not yet corrected it, we will do so now. We may also owe you money.

Please fill in the accompanying form. Be sure to include your name, account number and address. After you fill in the form, sign it, date it and send it back to us in the attached envelope. A copy of the form is also attached for your records. Please send copies of all letters, bills and other papers dealing with any billing errors. Keep the originals.

But be sure to send us this form even if you don't have other papers. If you can't

remember the exact dates or amounts, please estimate.

1. My bill of ——— month/year contained a mistake of $——— which was never corrected.
The mistake was ———

(If we made more than one mistake, list the others on another piece of paper and explain in detail. Be sure to put your name on each piece of paper.)

2. IF YOU THINK THIS MISTAKE HURT YOUR CREDIT RATING, we will tell the credit bureau that Zale settled the dispute in your favor.

Please provide as much of the following information as you can:

The city and state you lived in when the mistake on your bill occurred.

The location of the Zale store or Zale credit office involved.

The name and address of the credit bureau in that area, if you know.

Signature X ———
Name: ———
(Please Print)
Address: ———

Account Number (if known) ———
Date: ———

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Zale Corporation of Dallas, Texas.

The proposed complaint and consent order have been placed on the public record for 60 days to receive comments by interested persons. Comments received during this period will become part of the public record. After 60 days, the Commission will review the agreement and any comments received, and decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that Zale, a nationwide retailer of jewelry, footwear, sundries, and sporting goods, violated the billing error resolution procedures required by the Fair Credit Billing Act amendments to the Truth in Lending Act. The Act requires a creditor, after receipt of a consumer letter that claims a billing error, to conduct a reasonable investigation and to resolve the dispute within 30 days; or to acknowledge the letter within 30 days, conduct a reasonable investigation and resolve the dispute within two billing cycles.

The complaint also alleges that Zale did not always mail periodic statements to customers when their accounts had credit balances; and that Zale kept credit balances unless customers requested a refund. The first two charges allege violations of the Truth in Lending Act and the Federal Trade Commission Act; the third charge alleges violations of the Federal Trade Commission Act.

The proposed order requires Zale to correct these practices in the future and to take steps to ensure that instances of past violations are corrected. To remedy past failures to correct billing errors, Zale must send a "Billing Complaint Form" to customers asking if Zale ever failed to correct any mistakes on their bills. Zale will mail the Billing Complaint Form to three groups of people: (1) To all current, active accounts; (2) to people whose accounts were handled at any time after October 28, 1975 by Zale's credit offices in Seattle, Washington, and Portland, Oregon (where the alleged violations came to light); and (3) to anyone who writes to Zale about a billing error that occurred before this order becomes final. The Billing Complaint Form also asks whether an uncorrected billing error hurt the customer's credit rating.

Upon receipt of a Billing Complaint Form, Zale must investigate each claim about an uncorrected billing error. If the customer's claim is correct, or Zale does not have documentary evidence showing the claim to be incorrect, Zale must refund or credit the amount of the error. If Zale has documentary evidence that the customer's claim is incorrect, Zale must inform the customer in writing and include copies of the supporting documents.

Where Zale makes a payment or credit and the customer has indicated on the Billing Complaint Form that the dispute with Zale hurt his or her credit rating, Zale must correct its own records to show the account was paid as agreed. Zale must also take reasonable steps to correct any report of the dispute which may have been made to any third party, such as a credit bureau.

Zale must correct past failures to pay credit balances by paying all unpaid credit balances which existed at any time after April 1, 1975, plus daily interest. In the future, Zale will include the following message on all periodic statements that reflect a credit balance: "To get your credit balance now, write 'I want a refund' on this statement. Mail it back to us in the enclosed envelope." Zale must also pay all future credit balances upon written request or automatically after the credit balance has existed for 7 months.

The purpose of this analysis is to encourage and facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Carol M. Thomas,
Secretary.

[FR Doc. 81-15029 Filed 5-27-81; 8:45 am]
BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1610 and 1611

Standards for the Flammability of Clothing Textiles and Vinyl Plastic Film; Proposed Interpretations, Clarifications, and Exemption

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the regulations implementing the standards for the flammability of clothing textiles and vinyl plastic film to explain how test results should be interpreted and how the standards should be applied to multilayer fabrics, especially fabrics with an exposed layer of film. The Commission is proposing this rule because it has received a number of inquiries about how these flammability standards should be applied and interpreted. The proposal would also exempt the outer layer of film or coated fabric of disposable diapers from the requirement of these standards that this layer be tested separately from the remainder of the diaper. Thus, the flammability tests of these standards would be performed only on the full thickness of the disposable diaper. This exemption is being proposed in response to a petition from the Procter & Gamble Company for a flammability standard applicable specifically to disposable diapers. The exemption would ensure that unwarranted and expensive changes to presently produced disposable diapers will not be required as a result of the Commission's proposed interpretation of the applicability of these standards.

DATES: Interested persons may submit written data, views, or arguments concerning the proposal by July 27, 1981.

If requested, there will be an opportunity for the oral presentation of data, views, or arguments on July 7, 1981. Persons who wish to present oral comments must notify Richard Danca in the Office of the Secretary, Consumer Product Safety Commission, third floor, 1111 18th Street NW., Washington, D.C. 20207 by June 30, 1981 (telephone: 202–634–7700). The oral presentation will be held in the third floor conference room at the above address.

The amendments are proposed to become effective 60 days after publication of any final amendments in the **Federal Register.**

ADDRESSES: Comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Copies of the staff briefing package and any other documents relating to the proposal may be obtained from, or inspected at, the Office of the Secretary, Consumer Product Safety Commission, third floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7770.

SUPPLEMENTARY INFORMATION:

A. Background

The Flammable Fabrics Act as originally enacted became effective July 1, 1954 (Pub. L. 83–88, 67 Stat. 111–15), and incorporated the flammability requirements of Commercial Standard 191–53 and Commercial Standard 192–53 as mandatory flammability standards for wearing apparel and fabric intended for use in wearing apparel. These standards are intended to prohibit fabrics and articles of wearing apparel that have rapid and intense burning characteristics.

CS 191–53 was a voluntary commercial standard entitled "Flammability of Clothing Textiles," and CS 192–53 was a voluntary commercial standard entitled "General Purpose Vinyl Plastic Film." The flammability requirements of these standards became mandatory by virtue of the Flammable Fabrics Act.

As amended in 1967 by Pub. L. 90–189 (81 Stat. 568–574), the Flammable Fabrics Act (FFA), 15 U.S.C. 1191–1204, no longer specifically refers to CS 191–53 or CS 192–53. However, Pub. L. 90–189 contains a "savings clause" (section 11) which continues the applicability of any standard in effect under the original Act until the standard is superseded or modified. Since neither CS 191–53 nor CS 192–53 has been superseded or modified since the Flammable Fabrics Act was amended in 1967, CS 191–53 and CS 192–53 continue to be mandatory flammability standards for wearing apparel and fabric intended for use in wearing apparel.

CS 191–53 is now codified at 16 CFR Part 1610, Subpart A, and CS 192–53 is codified at 16 CFR Part 1611, Subpart A. Since the text of the original Flammable Fabrics Act contains flammability standards that are continued in effect by the "savings clause" of Pub. L. 90–189, the text of the original Act, as amended in 1954, has been codified at 16 CFR Part 1609.

Part 1610 (CS 191–53) is applicable to "textile fabric," which is defined as any coated or uncoated material subject to the Act, except "film" and fabrics with a nitro-cellulose fiber, finish, or coating. Part 1611 is applicable to film, which is defined in § 1611.31(i), and to fabrics having a nitro-cellulose fiber, finish, or coating. Coated fabrics, except those with a nitro-cellulose coating, may be tested under either Part 1610 or 1611.

A general description of Parts 1610 and 1611 is given below.

Part 1610 (CS 191–53). This Part requires 5 specimens, each 6 in. by 2 in., for each test. The samples to be tested have the long dimension of the specimens parallel with the lay of the surface fibers for textiles having a raised-fiber surface, and have the long dimension in the most rapidly burning direction for other textiles. If, in preliminary tests, the fabric does not ignite, is very slow burning, or should have a fire-retardant finish, the fabric should be tested both in its original condition and after a specified dry cleaning and washing procedure. The specimens are than cut, placed in a specimen holder, and conditioned by being heated in an oven for 30 minutes at 221°F (105°C) and then placed in a dessicator until cool.

The test apparatus holds the specimen holder at a 45 degree angle and applies a gas flame to the bottom portion of the specimen for 1 second. The aparatus starts a stopwatch when the flame is applied to the specimen, and the time required for the flame to burn along the specimen and then through a stop cord that stops the stopwatch is recorded.

The Flammable Fabrics Act, as enacted in 1953 and amended in 1954, prohibits the manufacturer for sale, offering for sale, importation, or distribution in commerce of any article of wearing apparel, or any item of fabric intended for use in wearing apparel, exhibits "rapid and intense burning" when tested in accordance with Part 1610. The standard classifies results as "rapid and intense burning" (that is, failing) when testing of a plain surface fabric yields a time of flame spread of less than 3.5 seconds, or when testing of a raised surface yields a time of flame spread of less than 4 seconds with ignition of the base fabric.

Section 1610.4(g)(7) states that the results shall be calculated as follows.

> The time of flame spread of the textile is taken as an average time for 5 specimens * * *. If the time of flame spread is less than 4.0 [3.5 for plain-surface fabrics] seconds or if the specimens do not burn, test 5 additional specimens. The time of flame spread is then taken to be the average time for the 10 specimens or for as many of them as burn. (Footnote omitted.)

Regulations implementing this standard (16 CFR 1610.35(a)) provide that any fabric which in its normal and customary use as wearing apparel would not be dry cleaned or washed need not be tested after being dry cleaned or washed, but if not so tested, the fabric or article of wearing apparel must be labeled "Fabric will be dangerously flammable if dry cleaned or washed."

Part 1611 (CS 192–53). Part 1611 uses 3 in. by 9 in. specimens, 5 of which are taken lengthwise, and 5 of which are taken transverse, to the direction of processing of the film or coated fabric. The test appartatus is somewhat similar to that of Part 1610, except that the bottom portion of the specimenholder is bent so that it is vertical and the flame impinges on the vertical surface. The burning rate is determined by a stop clock operated through microswitches mounted on the specimenholder rack. The clock is started when the flame burns through a first thread and is stopped when the flame burns through a second thread, located 6 inches from the first thread at the top of the holder.

Part 1611 provides that "[t]he rate of burning shall not exceed 1.2 in/sec as judged by the average of five determinations lengthwise and five determinations transverse." A procedure is also provided that eliminates doubtful test results that differ by a wide margin from the other test results.

Over the years, the Commission has received a number of inquiries about how Parts 1610 and 1611 should be applied and interpreted, especially in relation to multilayer fabrics with an outer layer of film, such as disposable diapers which commonly incorporate an outer layer of plastic film over a thick absorbent layer. These questions can be summarized as follows:

1. In evaluating the results of these tests by computing an "average" burning rate, should specimens that do not ignite, or that ignite but extinguish before burning through the stop cord, be counted, and, if so, how?

2. In Part 1611, which calls for taking "the average of five determinations lengthwise and five determinations transverse, should the lengthwise and transverse determinations be averaged separately (so that if the rate of burning in the direction that burns the quickest is in excess of 1.2 in/sec, the sample fails); or, should all ten determinations be averaged together?

3. In multilayer fabrics or garments, such as disposable diapers, where there is a layer of film over other material, is the fabric subject to part 1610 or 1611?

4. In multilayer fabrics and articles of wearing apparel, should only the full thickness of the fabric or the article be tested? Or should the item of fabric or article of wearing apparel be prepared for testing so that only the uncovered or exposed layer(s) will be separately tested? Or should both the full thickness of such an item of fabric or article of apparel and the uncovered or exposed

layer(s) of the fabric or article of apparel be tested?

5. Where Part 1610 is applicable to a fabric or article of wearing apparel, but the fabric would be damaged by the 221°F (105°C) conditioning temperature of Part 1610, is the fabric nonetheless subject to testing under that standard?

These problems resulted in a petition to the Commission from the Procter & Gamble Company (P&G), Petition No. FP 79–1, asking that the Commission issue a suggested standard applicable to disposable diapers. P&G's suggested standard is based on Part 1610, with modifications to accommodate the problems discussed above. The major changes to Part 1610 suggested by P&G are:

1. Washing and dry cleaning requirements are omitted as inapplicable to single-use products which are discarded after use.

2. The sample to be tested is specified as a swatch from the full thickness of the product. P&G argues that it is not appropriate to test the outer layer of film because it is unlikely that this film will be separately marketed and because full-thickness testing would more closely approximate the product's condition in use. P&G further alleges that changes in the outer film that might be necessary in order to pass a test of the outer layer alone would not improve the flammability characteristics of the entire diaper, since if the diaper ignites, the film merely melts and shrinks away from the advancing flame. P&G also submitted test data purporting to show that tests at different laboratories of identical films supposedly performed according to the standard produced different results. From this, P&G contends that the tests are not reproducible when the outer layer of a disposable diaper is tested separately.

3. The conditioning procedure would be to heat the sample at 150°F (65.5°C) for 1 hour in order to prevent damage to the film layer that would occur at the conditioning temperature of 221°F (105°C) provided in Part 1610.

4. In order to reduce the number of specimens that do not ignite with the 1 second ignition time provided in Part 1610, the ignition time would be increased to 3 seconds.

5. Specimens that did not ignite, or that took more than 60 seconds to reach the stop cord, would be counted as a 60 second burn time. P&G based this figure on its observations that burn times usually varied between 25 and 60 seconds. P&G reasoned that a value of longer than 60 seconds would give undue weight to a particular reading and that less than 60 seconds could lead to recording non-burn results as being faster than true burn times.

The Commission denied P&G's petition because it did not appear that action on a standard applicable only to disposable diapers would be a reasonable use of the Commission's resources since any uncertainty associated with the application of the standards in Parts 1610 and 1611 to disposable diapers can be alleviated by issuing a regulation clarifying how these standards apply. In addition, the features of P&G's suggested standard that would assign a value to nonburn results had a potential for reducing the stringency of the standard. The Commission's staff concluded that the test data submitted by P&G, using their suggested standard, did not establish any improvements over Part 1611 in repeatability or reproducibility.

However, the disposable diaper industry submitted data indicating that changes to the outer layer of the diaper that might be necessary to ensure that the layer could pass the tests of 1610 or 1611 when tested separately from the remainder of the diaper could result in a 10 percent increase in the price of the diaper, or an increase in the cost to consumers of 50–75 million dollars per year. Furthermore, it is not clear whether changes to the outer layer would increase the safety of the product and avoid introduction of additional hazards which might be associated with thicker films or with chemical flame retardants. Disposable diapers are not a major source of burn injury. In flammability incidents known to the Commission where disposable diapers have been involved, other products are usually the items first ignited and contribute more to the severity of the injuries than do the diapers themselves. Moreover, in view of the extensive use of disposable diapers today, the small number of incidents reported through CPSC data sources indicates that burns resulting from the ignition of disposable diapers are not a frequently occurring injury. Also, the outer layer or film on these diapers is never used as an article of wearing apparel in the separated state.

B. The Proposal

After considering all these factors, the Commission preliminarily finds that it is not necessary to test the outer plastic film layer of diposable diapers separately in order to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. Therefore, the Commission decided to propose to exempt the outer layer of disposable diapers containing a plastic film from the requirements of Parts 1610 and 1611 that the uncovered fabric be separately tested. In view of the uncertainty that exists about how these standards apply to multilayer fabrics, the Commission also concluded that it is desirable to propose amendments to the regulations implementing both standards which will state explicitly the manner in which these existing standards will be applied and interpreted.

The Commission preliminarily concludes that these amendments are necessary and proper for the administration and enforcement of the flammable Fabrics Act. The Commission also preliminarily finds that the proposed amendments to Parts 1610 and 1611 will result in standards that are reasonable, technologically practicable, and appropriate and are stated in objective terms and limited to the fabrics, related materials, and products that present unreasonable risks of the occurrence of fire leading to death, injury, or significant property damage.

The way that the Commission proposes to interpret and apply the requirements of the FFA and Parts 1610 and 1611 to multilayer fabrics with a film or coating on the exposed layer is explained below.

1. *Full-thickness or outer layer.* The original FFA prohibits various acts in relation to any article of wearing apparel or fabric that does not comply with the applicable standard and also prohibits such acts in relation to articles of wearing apparel made of fabric which does not comply. CS 191–53 and CS 192–53 also contain language that make it clear that the standards are intended to apply to both the finished article of wearing apparel and to the individual fabrics used in the article. However, the original FFA also specified that the Act did not apply to fabric intended as an interlining between an outer shell and lining. Also, the FFA states that the flammability standards shall apply only to the uncovered or exposed parts of the article of wearing apparel.

The Commission interprets the Flammable Fabrics Act and Parts 1610 and 1611 as requiring that both the full thickness of the product and the outer layer of fabric of film must be able to meet all requirements of the applicable standard. Experience gained in testing under the two standards indicates that failures are more likely to result from separately testing an uncovered or exposed layer of fabric or film than from testing the full thickness of a multilayer fabric or article of wearing apparel. However, the Commission concludes that as a matter of law, both the full

thickness and any uncovered or exposed layer of fabric or film must yield passing results when tested for compliance with the applicable standard.

Additionally, the Commission interprets the Act as requiring the inner layer to be tested if the article of wearing apparel is constructed so that the inner layer of the fabric or film might be exposed to flame or other means of ignition during normal wear.

Therefore, the Commission proposes to revise § 1610.32 of the regulation implementing the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) to state explicitly that:

(a) The standard is applicable to items of fabric used or intended for use in articles of wearing apparel, and to articles of wearing apparel; and

(b) When testing an article of wearing apparel for compliance with the standard, the fabric of each uncovered, or outer, surface of the article shall be tested separately; the fabric of any other surfaces which could be exposed when the article is worn shall be tested separately; and the full thickness of the garment shall be tested with the outer surface exposed to flame. If another surface could be exposed to flame, the full thickness of the garment would also be tested with that surface exposed to the flame.

Similar provisions appear in the proposed revision of § 1611.32, applicable to film and coated fabrics and to garments made from film or coated fabrics which are subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

Additionally, the Commission proposes to revoke existing §§ 1610.34 and 1611.34, which state that only uncovered and exposed surfaces of articles of wearing apparel shall be tested for compliance with the applicable standard. The substantive provisions of these two sections appear in proposed §§ 1610.32(b) and 1611.32(b).

For the reasons discussed in the preceding section of this notice, new §§ 1610.36(f)(3) and 1611.36(f)(3) exempt the outer layer of plastic film on disposable diapers from the requirement of proposed §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric, film, or coated fabric of the uncovered, or outer, surface of an article of wearing apparel be tested.

2. *Which standard applies.* To resolve the issue of which standard shall be applied to garments which are made from a multilayer fabric with a film or coating on the uncovered or exposed surface, the Commission proposes to amend §§ 1610.36 and 1611.36 by adding specific provisions addressing such products. Proposed §§ 1610.36(f) and 1611.36(f) state that when a specimen to be tested is cut from the article of wearing apparel, and an outer layer of film readily separates from the article, the film shall be tested under Part 1611, which is applicable to film. If the outer layer adheres to all or a portion of one or more layers of the underlying fabric, the adhered layers constitute a "coated fabric" which would ordinarily be acceptable if it met the requirements of either Part 1610 or 1611 (see §§ 1610.33 and 1611.33). However, if the "coated fabric" product would be damaged, or its physical characteristics changed, by the conditioning process of Part 1610, than 1610 cannot be applied to that product, and the product must be tested under 1611.

The proposed amendments to §§ 1610.36 and 1611.36 provide that the full-thickness product shall be tested according to the nature of the exposed layer(s) and with the exposed layer(s) facing the flame.

3. *How should specimens that do not ignite or burn the stop cord be counted.* Part 1610 specifically limits the results to those specimens that burn. Part 1611 does not address the computation of the average burn time, but it is apparent that only specimens that burn the stop cord under either Part 1610 or Part 1611 can be counted in computing an "average," since items that do not actuate the stop watch have, under the procedure of these standards, an undefined burn time. In addition, the consistent application of these standards from the time of adoption of the original FFA has been to exclude results of specimens that do not burn the stop cord from computation of the average burn time or burn rate.

The requirement that there be an "average" of results that is contained in both Part 1610 and Part 1611 implies that at least two specimens must burn the stop cord in order to compute the average. This raises the question of what should be done if only 1 specimen out of the 5 tested burns the stop cord. Part 1610 provides for the testing of another 5 specimens if "the time of flame spread is less than [the times established for the prohibited class of fabrics], or if the specimens do not burn." The Commission believes that the same procedure should be applicable to tests under Part 1611.

Therefore, provisions of proposed § 1610.32(c) and proposed § 1611.32(c)(2) state that the results of tests conducted under both standards should be interpreted in the following way:

(a) If 2 or more specimens burn to the stop cord, the "average" is computed from the results of these specimens that burn the stop cord.

(b) If no specimens burn, the fabric or film passes.

(c) If only one specimen burns, with passing results, the fabric or film passes.

(d) If only one specimen burns, with failing results, test another 5 specimens. If at least one more specimen burns, use the average of the specimens that burn the stop cord. If no more burn, the test is inconclusive. Depending on the probable cause of the failing result, it may be appropriate to do more testing, but the original failing result would not be averaged with the results of subsequent tests.

The Commission realizes that this interpretation can lead to the somewhat anomalous result that a product with 2 failing specimens and 8 specimens that did not ignite would fail the test, but that a product with 2 failing specimens and a number of specimens that burned with passing results could pass if its "average" was passing. Thus, a "passing burn" specimen can contribute to a product's passing the test, while a specimen that does not ignite will not. However, these test methods were designed primarily to prevent the marketing of fabrics that burn rapidly and intensely *if ignited* and not to serve as a measure of the ease with which the fabric would ignite. The degree to which a fabric resists initial ignition cannot be accounted for without a significant change in these test methods. However, no practical need for a standard addressing ease of ignition has been shown, and, in any event, the present standard should be clarified even if additional standards were being developed.

4. *When testing under Part 1611, should the lengthwise and transverse results be separately averaged.* The Commission has consistently interpreted the requirement of Part 1611 for averaging of the lengthwise and transverse directions as meaning that the directions should be averaged separately and that the average for the direction with the higher average rate of burning should be used to determine if the film or fabric complies with the standard.

This interpretation is set forth explicitly in § 1611.32(c)(1) of the regulations proposed below. The interpretation expressed in proposed § 1611.32(c)(1) is consistent with the intent of the Act to prevent marketing of film or fabrics that exhibit "rapid and intense burning." Although the literal wording of the standard can support an interpretation that both directions should be averaged together, the original

text of the proposed Commerical Standard contained additional punctuation that makes it apparent that the intent of the standard is to require separate averaging. This interpretation is supported further by the procedure provided in Part 1610, which requires testing in the direction with the most rapid rate of burning. The safety purpose of the standard, that of eliminating film and fabrics that are highly flammable, is better served by a specified maximum allowable rate of burning than by allowing different maximum rates of burning that could vary according to the rate of burning in another direction.

5. *Whether disposable products should be labeled to state that they will be flammable if dry cleaned or washed.* Provisions of existing §§ 1610.35(a) and 1611.35(a) state that if a fabric or article of wearing apparel subject to the requirements of Part 1610 would not ordinarily be dry cleaned or washed in its customary or normal use, samples taken from such fabric or article need not be subjected to the dry cleaning or washing procedures in §§ 1610.4(d) and 1610.4(e) when tested for compliance with Part 1610. However, existing §§ 1610.35(a) and 1611.35(a) further require that in such a case the article must be labeled with the statement: "Fabric will be dangerously flammable if dry cleaned or washed."

The petition from Procter & Gamble points out that fabrics and articles of wearing apparel intended for a one-time use, such as disposable diapers and disposable hospital or surgical gowns in adult sizes, are not dry cleaned or washed in customary or normal use. While the provisions of §§ 1610.35(a) and 1611.35(a) that excuse items intended for a one-time use from the dry cleaning and laundering provisions of §§ 1610.4 (d) and (e) are appropriate, the labeling provisions of §§ 1610.35(a) and 1611.35(a) should not be applied to disposable items.

Therefore, the Commission proposes to amend § 1610.35(a) by adding language to state that items of fabric and articles of wearing apparel intended for one-time use shall not be subjected to the dry cleaning or washing requirements of §§ 1610.4 (d) and (e) when tested for compliance with Part 1610, and need not be labeled to state that they will be dangerously flammable if dry cleaned or washed. The proposal would delete § 1611.35(a) since its provisions are already in § 1610.35(a) and are not applicable to Part 1611.

6. *How the Standards should be applied to articles of wearing apparel in small sizes.* The petition from Procter & Gamble also raised the question of how the flammability standards for clothing textiles and vinyl plastic film should be applied to diapers in sizes so small that specimens cannot be cut in both the lengthwise and transverse directions.

Existing § 1610.35(d) states that when testing for compliance with the clothing textile standard, if an item of fabric is less than six inches wide, it shall be tested in a lengthwise direction only. This provision is necessary because § 1610.4(a)(1) of that Standard states that specimens for testing shall have dimensions of six inches by two inches, and § 1610.4(a)(2) requires that fabrics without a raised fiber surface shall be tested in the direction in which they burn most rapidly.

The Commission believes, however, that existing § 1610.35(d) could be expressed more clearly, and in terms which would leave no doubt that the standard in Part 1610 is applicable to articles of wearing apparel as well as to the fabric from which they are constructed. Therefore, the Commission has proposed to modify the language of § 1610.35(d) in the amendments proposed below.

The regulations in Part 1611 implementing the flammability standard for vinyl plastic film have no provision analogous to § 1610.35(d). Section 1611.4(b) states that specimens for testing under Part 1611 shall have dimensions of nine inches by three inches. As noted earlier, § 1611.3 of that Standard requires testing of five specimens transverse to the direction of processing, and five specimens lengthwise.

Because smaller sizes of children's garments made from film or coated fabric, such as disposable diapers, may be less than nine inches wide, the Commission proposes to revise § 1611.35 to provide that any article of wearing apparel made of film or coated fabric subject to that Standard which is less than nine inches in width shall be tested in the lengthwise direction only.

Additionally, in the proposed revision of § 1611.35, the Commission has removed all existing provisions in that section relating to testing fabrics for compliance with Part 1610. All of those provisions now appear in § 1610.35 of the regulations implementing the flammability standard for clothing textiles.

The amendments to the regulations described above are proposed to become effective 60 days after any final amendments are published in the **Federal Register.**

The amendments described above are to the 1980 Edition of the Code of Federal Regulations. Additional amendments to these regulations were proposed by the Commission on October 17, 1978 (43 FR 47952). Since these previously proposed regulations contain editorial and clarifying amendments to the existing regulations and may become final before the amendments proposed below become final, when the amendments proposed below are issued, the text may contain additional editorial changes to conform to the editorial format of the previously proposed amendments.

Potential Economic Effects

The FFA does not require manufacturers of fabrics and articles of wearing apparel subject to Parts 1610 and 1611 to test their production unless they issue a guaranty under section 8 of the Act. Therefore, unless a guaranty is issued, the Act requires only that such products be capable of meeting the standard. However, even those manufacturers who do not issue guaranties probably test a portion of their production to assure themselves that the products meet the requirements of the applicable standard. To the extent that manufacturers may not have been testing in the past (because they did not view the standards as applicable to their product), or to the extent that they have not been testing both the exposed layers and the full thickness of the garment (because they did not interpret the standard as requiring this), additional costs for testing may be incurred as a result of the issuance of the Commission's clarification and interpretation of the standards. However, these additional costs are not expected to be unduly burdensome.

The Commission solicits comment on the potential economic effects of its proposed interpreting and clarifying regulation.

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (94 Stat. 1164; Sept. 19, 1980), contains a number of provisions intended to reduce the adverse impact on rule making proceedings on small businesses, small organizations, and small governmental jurisdictions. One of these requirements is for a regulatory flexibility analysis that would examine the compliance burden on the small entities and explore alternatives that could accomplish the objectives of the rule while minimizing the impact of the rule on the small entities. However, under 5 U.S.C. 605(b), the requirement for a regulatory flexibility analysis does not apply if the agency certifies that the rule will not, if promulgated, have a significant economic effect on a substantial number of small entities. After considering the potential economic effects of the proposed rule, the

Commission has concluded that the requirement for a regulatory flexibility analysis should not apply to this proposal.

In the first place, the rule is not intended to have an adverse economic impact on any manufacturer. The portion of the rule which merely clarifies the existing requirements of Parts 1610 and 1611 is not expected to result in any substantial change in existing practices. Furthermore, to the extent that publication of this proposal may result in manufacturers concluding that they had previously been misinterpreting the requirements, the Commission is not aware of any product which would have to be modified as a result of the change in the manufacturers' interpretation.

The major effect of the proposal is to relieve the manufacturers of disposable diapers from the requirement to test the outer plastic layer of their product while it is separated from the remainder of the diaper. This action would relieve these manufacturers from an existing requirement, and thereby lessen the cost imposed by these standards.

Most producers of disposable diapers are subsidiary firms or divisions of large manufacturers. However, from time to time smaller firms may enter the market with production accounting for very small market shares. There tend to be few, if any, of these smaller entities in the market at any given time.

Therefore, the Commission certifies that the amendments proposed below, if promulgated, will not have a significant economic effect on a substantial number of small entities. However, the Commission invites comments on any potential effects of the proposal on small businesses and on alternatives that may minimize such effects.

Conclusion

Accordingly, under the authority of sections 4 and 5 of the Act (15 U.S.C. 1193, 1194), the Commission proposes to amend Title 16, Chapter II, Subchapter D, of the Code of Federal Regulations as follows:

1. Section 1610.32 is revised to read as follows:

§ 1610.32 Flammability requirements.

(a) *General requirement.* No item of fabric which is subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610), and no article of wearing apparel subject to the Standard which is made of such fabric, shall be marketed or handled if such item of fabric or article of wearing apparel exhibits rapid and intense burning when tested in accordance with § 1610.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The fabric of the uncovered, or outer, surface of the article of wearing apparel, with the flame applied to the uncovered surface;

(2) The fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Interpretation of test results.* The provisions of § 1610.4(g)(7) of the Standard for the Flammability of Clothing Textiles, relating to results of testing, shall be applied to tests of fabrics and articles of wearing apparel subject to the Standard. To compute the average time of flame spread for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five ignite and burn the entire length of the specimen, test results shall be interpreted according to the provisions of paragraph (c)(1) through (c)(4) of this section.

(1) If no specimen ignites and burns the stop cord, the results of that test shall be regarded as Class 1 (passing).

(2) If only one specimen of the five ignites and burns the stop cord with Class 1 results (see § 1610.3(a)(1)), the results of that test shall be regarded as Class 1 (passing).

(3) For raised-fiber surface fabrics, if only one specimen of the five ignites and burns the stop cord with a time of 4 to 7 seconds, both inclusive, the results of that test shall be regarded as Class 1 (passing), regardless of whether the base fabric ignites or fuses. See §§ 1610.3(a)(2) and 1610.4(g)(7)(ii).

(4) If only one specimen ignites and burns the stop cord in less than 3.5 seconds for plain-surface fabrics or less than 4.0 seconds for raised-surface fabrics where the base fabric ignites or fuses, test another set of five specimens. If one or more of the second set of specimens ignite and burn the stop cord, average the results from all specimens which ignited and burned the stop cord. See §§ 1610.3(a)(3) and 1610.4(g)(7). If no specimen from the second set of five ignites and burns the stop cord, the test is inconclusive, and the Commission will take no enforcement action on the basis of that test. The Commisson may conduct additional testing of the fabric or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

2. Section 1610.34 is revoked, removed, and reserved.

§ 1610.34 [Removed].

3. The heading in § 1610.35 and paragraph (a) are revised to read as follows:

§ 1610.35 Procedures for testing special types of textile fabrics under the standard.

(a) *Fabric not customarily washed or dry cleaned.*

(1) Except as provided in paragraph (a)(2) below, any textile fabric or article of wearing apparel which, in its normal and customary use as wearing apparel, would not be dry cleaned or washed, need not be dry cleaned or washed as prescribed in §§ 1610.4(d) and 1610.4(e) when tested under the standard if such fabric or article of wearing apparel, when marketed or handled, is marked in a clear and legible manner with the statement: "Fabric will be dangerously flammable if dry cleaned or washed." An example of the type of fabric referred to in this paragraph is bridal illusion.

(2) Section 1610.4(a)(4), which requires that certain samples shall be dry cleaned or washed before testing, shall not apply to fabrics and garments intended for one-time use, such as disposable diapers and disposable hospital or surgical gowns in adult sizes. Additionally, such fabrics and garments intended for one-time use shall not be subject to the labeling requirements set forth in paragraph (a)(1) of this section.

* * * * *

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

4. Section 1610.35(d) is revised to read as follows:

* * * * *

(d) *Items less than six inches wide.* Any article of wearing apprarel subject to the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) which is less than six inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571,, 90 Stat. 515 (15 U.S.C. 1193, 1194))

5. Section 1610.35 is amended by adding a new paragraph (f), as follows:

§ 1610.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments, and to the full thickness of such fabric or garments. When testing the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed layer facing the flame.

(2) If the uncovered or exposed layer of the fabric or garment has a film or coating (other than a nitrocellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the speciments are cut and prepared for testing, the adhered uncovered or exposed layers of the fabric or garment, and the full thickness of the garment, comply with the act if they meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s) When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of, the film or coating, both the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611).

(3) Disposable diapers constructed with an outer layer of plastic film are exempt from the requirement of §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric or film of the uncovered surface of an article of wearing apparel must be tested separately in addition to being tested as part of the assembled article.

(Secs. 4, 6, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

6. Section 1611.32 is revised to read as follows:

§ 1611.32 Flammability requirements.

(a) *General requirement.* No item of film or coated fabric which is subject to the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611), and no article of wearing apparel subject to the Standard which is made of such film or coated fabric, shall be marketed or handled if, when tested in accordance with that Standard, it does not meet the requirements of § 1611.3 of that Standard.

(b) *Uncovered surfaces, exposed surfaces, and full thickness of articles of apparel subject to testing.* When testing an article of wearing apparel subject to the Standard, the following parts of the article of wearing apparel shall be individually tested:

(1) The film or coated fabric of each uncovered, or outer, surface of the article of wearing apparel with the flame applied to the uncovered surface;

(2) The film or coated fabric of any other surface which could be exposed when the article of wearing apparel is worn, with the flame applied to the exposed surface; and

(3) The full thickness of the article of wearing apparel, with the flame applied to the uncovered or exposed surface(s).

(c) *Test results.* (1) In the application of the requirements of § 1611.3 of the Standard to any item of film, coated fabric, or wearing apparel, compute the average burn rate from five specimens burned transverse to the direction of processing and the average burn rate from an additional five specimens burned lengthwise to the direction of processing. If either the average burn rate from the five specimens burned transverse or the average burn rate from the five specimens burned lengthwise exceeds 1.2 inches per second, the test results shall be interpreted as a failure.

(2) To compute the average burn rate for each set of five specimens, at least two of the specimens must ignite and burn the stop cord for the specimen. However, if fewer than two specimens of any given set of five specimens ignite and burn the stop cord for the specimen, the test results shall be interpreted according to the provisions of paragraphs (c)(2)(i) through (c)(2)(iii) of this section:

(i) If no specimen ignites and burns the stop cord, the test results of that set of specimens shall be regarded as passing.

(ii) If only one specimen of the set of five specimens ignites and burns the stop cord with passing results, the results of that set of specimens will be regarded as passing.

(iii) If only one specimen of the set of five specimens ignites and burns the stop cord with failing results, test another set of five specimens from the same direction of processing. If one or more specimens from the second set of five specimens ignite and burn the stop cord, average the results from all specimens of the two sets which ignited and burned the stop cords. If no specimen of the second set of five specimens ignites and burns the stop cord, the test is inconclusive and the Commission will take no enforcement action based on the results of that test. The Commission may conduct additional testing of the film, coated fabric, or article of wearing apparel, but the results of any inconclusive test shall not be averaged with results obtained from any other test.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

7. Section 1611.34 is revoked, removed, and reserved.

§ 1611.34 [Removed]

8. Section 1611.35 is revised to read as follows:

§ 1611.35 Testing certain classes of fabric and film.

An item subject to the Standard which is less than nine inches in width shall be tested for compliance with the Standard in a lengthwise direction only.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

9. Section 1611.36 is amended by adding a new paragraph (f), as follows:

§ 1611.36 Application of act to particular types of products.

* * * * *

(f) *Multilayer fabric and wearing apparel with a film or coating on the uncovered or exposed surface.* The following procedure shall be used to

determine whether the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) applies to multilayered fabrics which have a film or coating on a surface which will be uncovered or exposed when the fabric is used in wearing apparel, and to garments made of such fabric:

(1) If the uncovered or exposed surface is a film that completely separates from other layers or parts of the multilayered fabric when the specimens are cut and prepared for testing, test the separated uncovered or exposed film layer of the fabric or garment, and the full thickness of the fabric or garment, in accordance with the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See § 1611.32 above for application of the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611) to the uncovered or exposed layer of film from such fabric and garments and to the full thickness of such fabric or garments. When testing the uncovered or exposed film or coating or the full thickness of the fabric or garment, the item shall be tested with the uncovered or exposed surface facing the flame.

(2) If the uncovered or exposed layer of the fabric or garment has a film or coating (other than a nitro-cellulose coating) which adheres to other layers or parts of the multilayer fabric or garment when the specimens are cut and prepared for testing, the adhered uncovered or exposed layer of the fabric or garment and the full thickness of the garment shall meet the flammability requirements of either the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) or the Standard for the Flammability of Vinyl Plastic Film (16 CFR Part 1611). See §§ 1610.33 and 1611.33. In testing under either standard, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be tested with the flame applied to the exposed or uncovered surface(s). When testing under Part 1610, the uncovered or exposed adhered film or coating of the fabric or garment, and the full thickness of the garment, will be considered a coated fabric. See § 1610.35(b). However, if the conditioning procedures required by § 1610.4(f) of the Standard for the Flammability of Clothing Textiles (16 CFR Part 1610) would damage, or alter the physical characteristics of, the film or coating, the uncovered or exposed layer and the full thickness of the garment shall be tested in accordance with the Standard for the Flammability of Vinyl Plastc Film (16 CFR Part 1611).

(3) Disposable diapers constructed with an outer layer of plastic film are exempt from the requirement of §§ 1610.32(b)(1) and 1611.32(b)(1) that the fabric or film of the uncovered surface of an article of wearing apparel must be tested separately in addition to being tested as part of the assembled article.

(Secs. 4, 5, 67 Stat. 112, 113; as amended 68 Stat. 770, 81 Stat. 571, 90 Stat. 515 (15 U.S.C. 1193, 1194))

Effective date: The Commission proposes that these amendments shall become effective 60 days after the final amendments are published in the **Federal Register.**

Dated: May 11, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-15659 Filed 5-27-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM81-27]

Incremental Pricing: Adoption of Single-Tier Alternative Fuel Price Ceiling; Extension of Time for Comments

May 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: On April 22, 1981, the Commission issued a Notice of Proposed Rulemaking involving incremental pricing and the adoption of a single-tier alternative fuel price ceiling (46 FR 23947, April 29, 1981). The comment period is being extended at the request of The Process Gas Consumers Group, The American Iron and Steel Institute and The Georgia Industrial Gas Group.

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

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15931 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 282

[Docket No. RM81-17]

Definition of Agricultural Use in the Commission's Incremental Pricing Regulations

May 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Informal Public Hearing.

SUMMARY: The Commission hereby notifies the public that an informal public hearing is scheduled to consider the Notice of Proposed Rulemaking issued on April 20, 1981, in the above-identified docket. Specifically, the rulemaking proposes to expand the list of agricultural uses of natural gas set forth in § 282.202(a)(1)(iii), which are exempt from incremental pricing, by adding certain stages in the manufacture of gelatin, glue and carboxy methyl cellulose. 46 FR 23487 (April 27, 1981).

DATE: An informal public hearing will be held at 9:30 a.m. on Tuesday, June 9, 1981.

ADDRESS: Federal Energy Regulatory Commission, Room 8402, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Colette Bohatch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8140.

Robert Fleishman, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8270.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15983 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 207

Conduct of Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

AGENCY: United States International Trade Commission.

ACTION: Proposed revisions of procedural rules.

SUMMARY: The proposed rules sets forth changes and clarifications for the conduct of Commission investigations under section 303 of Title VII of the Tariff Act of 1930 (19 U.S.C. 1303 and 2501 *et seq.*) and sections 102 through 107 of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144). Several of the proposed changes in the procedural rules would affect the conduct of all investigations under the Commission's jurisdiction, including investigations carried out pursuant to the Tariff Act of 1930, the Agricultural Adjustment Act, and the Trade Act of 1974.

Comments are requested on any and all aspects of the rules for conducting antidumping and countervailing duty investigations and, especially, on the proposed changes set forth.

DATE: Comments on the proposed revisions to the procedural rules must be submitted on or before July 13, 1981.

ADDRESS: Comments and suggestions concerning the proposed revisions should be submitted to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144) approves and implements trade agreements negotiated by the United States in the Tokyo round of Multilateral Trade Negotiations. Upon acceptance by the United States of the negotiating instruments relating to subsidies and countervailing measures and to dumping and antidumping measures, the Trade Agreements Act has brought about extensive changes in U.S. countervailing duty and antidumping duty laws, primarily through amendment of the Tariff Act of 1930.

In order to implement procedures to carry out the provisions of the Trade Agreements Act, the U.S. International Trade Commission published proposed procedural rules in the **Federal Register** of October 15, 1979 (44 FR 59392). Following an analysis of the comments received, the Commission promulgated procedural rules effective January 1, 1980, and published a notice thereof in the **Federal Register** of December 26, 1979 (44 FR 76458). On August 27, 1980, the Commission published a notice in the **Federal Register** (45 FR 57148) that, on the basis of the administrative experience since January 1, the Commission was considering proposing amendments to specific portions of the rules. The notice requested public comments suggesting changes in the rules. Those comments are discussed below.

In order to present the proposed changes, whether suggested by the Commission and its staff or by public comment, a discussion by subject matter rather than a section-by-section analysis is most appropriate. Each proposal is discussed below.

Number of Copies of Complaint or Petition

It is proposed that the number of copies of the complaint or petition filed with the Commission be changed from 19 to 14. It is also proposed that an additional copy be served on each person named in the complaint as engaging in the act complained of. With recent experience in these investigations as a guide, compliance with this rule should entail no more than four or five additional copies, under normal circumstances. These changes will be carried out by amending §§ 201.8(d) and 210.10(a).

Filing of Documents

In order to eliminate confusion about public and confidential versions of a document, it is proposed that the requirement of an original and 14 copies refer specifically to the confidential version. The submitter of a document would be required to submit at least one copy, with confidential information deleted, for public inspection. The petition will not be considered "properly filed" until, among other requirements, the requisite number of copies is filed. These changes will be carried out by amending §§ 207.10 and 201.8(d).

Certificate of Service

The Commission proposes that a certificate of service be required for each document. Any document submitted to the Secretary which does not contain a certificate of service would not be accepted for filing. These changes will be carried out by adding a new subsection 201.16(b)(3) and by amending subsection 201.16(c).

Parties

Since the Commission proposes to require certificates of service, it is necessary to define "party." It is proposed to define "party" as any person with a proper interest in the subject matter of the investigation, including an "interested party" as used in Title VII, who files a notice of participation with the Secretary. The notice must state that the person has an interest in the subject matter of the investigation and intends to file a brief therein. It is hoped that by limiting the term "party" in this way, only those persons who have a direct interest in the investigation will become parties. All notices would be screened by the Chairman or other person to preside at the hearing.

It is proposed that the notices must be received at least 3 weeks prior to the date set for a hearing, or 3 weeks prior to the date on which prehearing briefs are due, or on the date a prehearing conference is scheduled, whichever occurs first. The Secretary would then prepare a service list containing the names and addresses of all the parties or their representatives. A late-filing provision is also proposed.

To accomplish these purposes, a new definition of "party" would be added as § 201.2(i) and § 207.2(i) would be deleted. § 201.13 would be redrafted in its entirety to relate to participation in investigations. The material currently in § 201.13 relating to hearings, as discussed *infra*, would be amended and moved to § 201.12.

Statements, Briefs, and Testimony

It is proposed that the term "statement" not be used in the rules, and that the terms "brief" and "testimony" be used exclusively. The proposed changes would occur in §§ 207.15, 207.22, 207.23, 207.24, and 210.12(d).

It is also proposed that prehearing briefs in 120-day final dumping or countervailing duty investigations be filed 10 days after service of the prehearing staff report. The current provision for 15 days appears to consume too large a portion of the final 45 days of an investigation. It further appears that, given their knowledge of the facts and issues in each case, the change should cause relatively little hardship on the parties. This change would be reflected in § 207.22.

Prepared Testimony

Given the apparently redundant nature of prepared testimony, as that term is currently used in Commission practice, the Commission is proposing to abolish prepared testimony in antidumping and countervailing duty cases. Although parties would be encouraged to have carefully prepared remarks ready for the Commission's hearing, a prohibition on prepared testimony would do away with lengthy documents, which could not be covered during the course of a hearing and which appear to be more like an additional prehearing brief rather than testimony.

The Commission is also proposing an exception to the rule to permit participants in a hearing to present graphs or other explanatory material to illustrate an argument or to clarify a matter in contention. A limit of five double-spaced pages is proposed.

Finally, it is proposed that each party submit a list of the witnesses it plans to call to testify at the hearing at least 3 business days before the hearing.

These changes would be accomplished by amendments to § 201.12(d).

Date of Institution of Final Investigation

It is proposed that the date established by the Trade Agreements Act for the institution of final countervailing duty or antidumping investigations be deemed the date on which the transmittal from the administering authority is recevied by the Secretary or the date on which the determination is published in the **Federal Register**, whichever occurs first. This proposal would be made by adding a new § 207.20(a) and redesignating the current § 207.20(a) as § 207.20(b).

Appearance at Hearings

The Commission proposes that, to eliminate ambiguity, the material regarding hearings in § 201.13 be revised and relocated in § 201.12(d). It is also proposed to state explicitly that the Chairman or the presiding officer at the hearing may determine who may appear. In cases where persons other than parties wish to appear, the Chairman could decide whether a sufficient showing of interest has been made. In certain cases—the appearance of Members of Congress, representatives of other Government agencies, and interested parties—this sufficient interest should be presumed. This proposal will be carried out by adding a new § 201.12(j) based on the current language in § 201.13.

Recommendation by the Director of Operations

The Commission proposes to amend § 207.16, which specifies that the Director of Operations will make a recommendation in preliminary antidumping and countervailing duty investigations. The rule was originally drafted because a recommendation was thought useful, since the Director of Operations conducts the preliminary investigation and is closest to it. The Commission no longer believes the formal recommendation is necessary. Thus, the proposed rule would only require the Director of Operations to prepare for the Commission a written summary of the information and arguments submitted by the parties at, or prior to, the conference, if one is held. This procedure will retain the advantage of having the person closest to the conference highlight the issues and the critical facts of record, without the need to form preliminary legal conclusions for the Commission. No comments were received regarding this proposal.

However, several comments urged the Commission to retain the general delegation to the Director of Operations of the duty to conduct preliminary investigations. The comments argued that due to the professionalism of the Commission's staff, the short time limits involved, and the fact that the preliminary determination of reasonable indication of injury does not result in fianl Commission action, the procedure is appropriate and efficient. In general, the Commission finds these comments persuasive and does not now propose to change the general delegation to the Director of Operations.

Service of Determinations

It is proposed that sections §§ 207.18 and 207.28 be amended to require that the Secretary "serve" all parties with copies of Commission actions.

Protective Orders; In-House Counsel

Section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) deals with confidential business information. Subsection (b) provides that information submitted to the Commission in confidence may not be released by the Commission without the consent of the submitter. Subsection (c), however, permits the release of confidential information under protective order, and authorizes the Commission to establish such requirements as it may determine by regulation to be appropriate to control such disclosure. Pursuant to this authority, the Commission promulgated § 207.7 of its rules of Practice and proceudre (19 CFR 207.7). This section has functioned very well, except for extensive criticism of the provision limiting access to confidential information to retained counsel.

Section 207.7 is designed to provide carefully limited access to confidential information by attorneys representing parties to Title VII investigations. The underlying purpose of § 207.7 is to permit counsel to present arguments to the Commission based on certain confidential price infomation, in addition to the information available in the public record. The Commission sought to preserve the integrity of that confidential information by insuring that it not be made available to the business competitors of the submitter. That is, the information would be made available to the attorney but not to the client. Therefore, in order to insure an "arm's length" relation between attorney and client, the Commission elected to prohibit the disclosure of information under protective order to "in-house counsel"—not because of distrust, but because the attorney may be, by virtue of his corporate position, the client. In addition, the Commission believes that shielding the confidential business information of a submitter from its competitors encourages voluntary compliance with Commission questionnaires and other requests for information.

The limitation was criticized by law departments of many corporations and several bar associations. Many comments stated that all attorneys, whether employed by corporations or by law firms, are members of the bar. All attorneys are subject to the highest standards of professional responsibility, and are subject to disciplinary proceedings by the appropriate licensing authorities for any breach of those standards. Failure to abide by the provisions of a protective order is clearly a ground for instituting disciplinary proceedings.

These comments are very persuasive. The Commission, in originally proposing and promulgating § 207.7, did not mean to imply that corporate consel are in any way less trustworthy or professional than retained counsel. It meant no disparagement of attorneys who are staff employees of corporations. As several comments stated, this is a distinguished segment of the bar, and many of the foremost attorneys in this country are emplyees of respected corporations.

As a result of those comments, the Commission has undertaken a search for a workable alternative to the current language. In its notice of August 27, 1980 (45 FR 57148), the Commission proposed

a new standard for release of information under protective order, one which eliminatd the distinction between in-house and retained counsel. It was proposed to limit disclosure to those counsel, corporate or retained, who do not advise "operating departments."

This proposal was criticized as vague and unworkable, since the term "operating departments" does not provide meaningful guidance; there would be inevitable disputes over what constitutes an operating department. The Commission has found this argument persuasive, and for this reason has not proceeded with the proposal. As a result, the Commission did not need to evaluate the merits of other objections to the proposed rule, and is exploring alternatives.

In so doing, the Commission's goals remain unchanged: (i) To gather the confidential business information needed in the course of its investigations; (ii) to scrupulously protect that confidentiality; and (iii) to encourage the voluntary submission of such information. In addition, because the time limits imposed by statute for these investigations are so short, usually 45 or 120 days, the rule should be self-executing. The Commission fears that it might not have time to conduct a proceeding and reach an informed, reasoned determination as to who should have access to confidential information under a protective order. Most important, the final formulation must insure that persons who have access to the information will not, even inadvertently, permit confidential information to be made available to their clients.

Thus, the issue faced by the Commission has nothing to do with the professionalism, trustworthiness, and ethics of one segment of the legal profession as compared with another; rather, the central issue is how best to guard against potential improper use of information. The Commission's task, therefore, is one of separating two distinct functions: that of legal advisor and that of corporate official. When the attorney is acting as an official of the client, instead of its legal advisor, the efficiency of the protective order is greatly diminished or nullified. Since no person can completely compartmentalize relevant information, it would be illusory to expect any person with access to confidential business data of another to be able to disregard that information when giving advice. Even the refusal to give advice could be a meaningful statement.

In this context, several comments noted that the very fact that corporate attorneys are employed full time by their clients lends itself to potential misuse of critical information. In-house counsel meet regularly with the personnel of the corporation on day-to-day matters and may, no matter how inadvertently, use the information in a context other than that of antidumping or countervailing duty investigations. This problem may reach critical proportions when in-house counsel, after receiving a competitor's confidential pricing information, is consulted on his own firm's pricing decisions.

Therefore, the Commission proposes a protective order rule with permits access to confidential information under protective order by any attorney, whether corporate counsel or retained counsel, who certifies under oath to the Commission that, in addition to the other protective order restrictions, he does not participate in the determination of the price of his client's products nor give advice regarding the pricing of his client's products. Because the confidential information generally released in these investigations relates to domestic prices, access to pricing information under protective order would be inconsistent with the protection of confidential information when the attorney advises on pricing decisions.

This formulation appears to offer several advantages. First, it is self-executing. Second, it is directed specifically at shielding that information which is actually released by the Commission under protective order and which is considered most sensitive—prices. Finally, it is an unambiguous formulation, providing a bright-line distinction that is immediately understood. The specific language appears in the proposal.

The Commission is considering three alternatives to this proposal. Depending on comments from the public and its own analysis, the Commission will select one of the four for its final rule. For ease of discussion, we will refer to the Commission's proposal as alternative A. The others will be denominated alternative B, alternative C, and alternative D.

Alternative B. This alternative would retain the current prohibition on the release of confidential business information to in-house counsel. The only change would be to redesignate "in-house counsel" as "corporate counsel." In other words, current practice would be retained.

Alternative C. This alternative would eliminate the phrase "except in-house counsel." Any attorney would be entitled to access to confidential business information under protective order without regard to his relation to his client.

Alternative D. This alternative, even though it does not appear to conform to the goal of being self-executing, was suggested in a written submission to the Commission by an attorney representing numberous corporate counsel. It would permit access to confidential business information by any attorney unless a submitter of information objected. The person resisting disclosure would need to make clear showing of a particular competitive injury resulting from disclosure, in which case the Commission may impose additional conditions upon disclosure. This proposal would be carried out by amending § 207.7(a), adding § 207.7(c), and by redesignating §§ 207.7(c)–(e), as §§ 207.7(d)–(f), as follows:

§ *207.7 Limited Disclosure* * * *

(a) *In general.* Upon request of an attorney of record of a party to the investigation . . . which describes with particularity the information requested, . . . the Secretary will make available confidential information concerning the domestic price and cost of production of the like product submitted by the petitioner or an interested party in support of the petitioner to such attorney under a protective order described in paragraph (b), subject to such restrictions as the Commission may impose under paragraph (c). Such requests shall name every attorney and every person described in subsection (1)(iv) of paragraph (b) to whom such information will be disclosed, and a copy of such request shall be served upon the petitioner or interested party whose confidential information is requested in the manner prescribed in § 201.16. Upon filing with the Secretary of an agreement * * *

* * * * *

(c) *Additional restrictions on disclosure.* Within five days of the date of service of a request for disclosure of confidential information under paragraph (a), the petitioner or interested party whose confidential information is sought may petition the Commission for an order denying disclosure of specifically identified information to any individual named in the request. If the party resisting disclosure makes a clear showing that it risks a particularized competitive injury as a result of disclosure of such specifically identified information to the challenged individual, and the Commission find the provisions of paragraph (b) to be inadequate as to such individual, the Commission may deny, limit, or impose additional

conditions upon the disclosure of such information to such individual.

The Commission specifically requests public comments on each of the four proposals in light of the criteria set forth above.

PART 201—RULES OF GENERAL APPLICATION

1. Section 201.2 is amended by adding paragraph (i) to read as follows:

§ 201.2 Definitions.

* * * * *

(i) Except for adjudicative investigations under subchapter C of this chapter, "party" means any person whose notice of appearance has been accepted pursuant to § 201.13 (a) or (c). The person who files a complaint or petition on the basis of which an investigation is instituted is hereby deemed a party.

2. In § 201.8, paragraph (d) is revised to read as follows:

§ 201.8 Filing of documents.

* * * * *

(d)(1) *Number of copies.* Except as provided in § 210.10(a), a signed original and fourteen (14) copies of each document shall be filed. In the event that confidential treatment of the document is requested under § 201.6, at least one additional copy shall be filed, in which copy the confidential business information shall have been deleted and which shall have been marked conspicuously "nonconfidential" or "public inspection." The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(2) Except as provided in § 210.10(a), a copy of a petition or complaint, or a nonconfidential version thereof, shall also be served by messenger or by first-class mail on each person alleged therein to be committing the acts complained of. Such service shall be attested by a certificate of service as required in § 201.16 (b) and (c).

3. Section 201.12 is amended by revising paragraph (d) and by adding paragraph (j) to read as follows:

§ 201.12 Conduct of nonadjudicative hearings.

* * * * *

(d) *Witness lists and prepared testimony*—(1) *Parties. List of Witnesses.* Each party shall file with the Secretary a list of the witnesses it intends to call to testify at the hearing not less than three (3) business days prior to the hearing, unless the Commission establishes a different date for such submission in its notice of hearing.

(2) *Nonparties.* Persons other than parties who wish to testify at a hearing are requested to so notify the Secretary.

(3) *Supplementary material.* Up to five double-spaced pages of supplementary material, other than remarks read into the record, will be accepted for the record. Supplementary material exceeding five pages may be accepted upon a showing of such cause as may be deemed sufficient by the Chairman or other presiding official at the hearing.

* * * * *

(j) *Appearance at a hearing*—(1) *Who may appear.* A party may appear at the hearing, either in person or by representative. A nonparty who has testimony or arguments that may aid the Commission's deliberations may also appear, under such conditions as may be established by the Chairman or presiding officer at the hearing.

(2) *Requests to appear.* Requests to appear shall be filed with the Secretary. Requests shall be filed at least three (3) days in advance of the date set for hearing or by the date set in the notice of the investigation for a preliminary conference, whichever shall first occur, except that the Chairman, or presiding officer at the hearing, may waive this requirement for good cause. Witnesses on behalf of persons requesting to appear need not file separate requests to appear.

4. Section 201.13 is revised to read as follows:

§ 201.13 Participation in an investigation as a party.

(a) *Who may participate.* Any interested person may participate in an investigation as a party, either in person or by representative, by filing a notice of participation with the Secretary. Each notice of participation shall (1) state briefly the nature of person's interest in the subject matter of the investigation and (2) state the person's intent to file briefs with the Commission regarding the subject matter of the investigation. Each notice of participation shall be forwarded to the Chairman or other person designated to conduct the investigation, who shall promptly determine whether the person submitting the notice of participation has a proper interest in the investigation. If it is found that a person does not have a proper interest in the investigation, that person shall be so notified by the Secretary.

(b) *Time for filing.* Each notice of participation must be filed (1) not later than twenty-one (21) days prior to the date of the hearing, or (2) not later than twenty-one (21) days prior to the date established for filing the first prehearing brief, or (3) in the event that the Commission schedules a prehearing conference, not later than such conference or at such conference, whichever shall first occur.

(c) *Late filing.* Any notice of participation filed with the Secretary after the filing date established in paragraph (b) of this section shall be referred to the Chairman, who shall determine whether to accept such notice for good cause shown by the person desiring to file the notice. The Secretary shall promptly notify the submitter of the decision.

5. In § 201.16, paragraph (b)(3) is added and paragraph (c) is revised to read as follows:

§ 201.16 Service of process and other documents.

* * * * *

(b) *By a party other than the Commission.* * * *

(3) When service is by mail, it is complete upon mailing of the document.

(c) *Proof of service; certificate.* Each document served by a party shall include a certificate of service, setting forth the manner and date of such service. The certificate of service shall be deemed proof of service of the document. In the event a document is not accompanied by a certificate of service, the Secretary shall not accept such document for filing and shall promptly notify the offering party.

* * * * *

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

§ 207.2 [Amended]

6. In § 207.2, paragraph (i) is removed and paragraph (j) is redesignated as paragraph (i).

7. In § 207.7, paragraph (a) is revised to read as follows:

§ 207.7 Limited disclosure of certain confidential information under a protective order.

(a) Upon request of an attorney of an interested party to the investigation, who certifies under oath that he does not participate in the determination of the prices of his client's products and that he does not give advice regarding the pricing of his client's products, which request (1) describes with particularity the information requested, (2) sets forth the reasons for the request, (3) demonstrates a substantial need for the information in the preparation of his case, and (4) demonstrates that he is unable without undue hardship to obtain

the substantial equivalent of the information by other means, the Secretary will make available confidential information concerning the domestic price and cost of production of the like product submitted by the petitioner or by an interested party in support of the petitioner to such attorney under a protective order described in paragraph (b).

* * * * *

8. Section 207.10 is revised to read as follows:

§ 207.10 Filing of petition with Commission.

Any interested party who files a petition with the administering authority pursuant to section 702(b)(1) or 732(b)(1) of the Act shall, in accordance with section 702(b)(2) or 732(b)(2) of the Act, file copies of the petition, pursuant to § 201.8, with the Secretary on the same day the petition is filed with the administering authority. If the petition complies with the provisions of § 207.11, it will be deemed to be properly filed on the date on which the requisite number of copies of the petition is received by the Secretary. The Secretary shall notify the administering authority of that date.

9. Section 207.16 is revised to read as follows:

§ 207.16 Summary of Conference.

The Director shall prepare for the Commission a summary of the information and arguments submitted by the parties in connection with the conference, if one is held.

10. Section 207.15 is revised to read as follows:

§ 207.15 Written briefs and conference.

Any person may submit to the Commission on or before a date specified in the notice of investigation issued pursuant to § 207.12 a written brief containing information and arguments pertinent to the subject matter of the investigation.

11. Section 207.18 is revised to read as follows:

§ 207.18 Notice of preliminary determination.

The Secretary shall serve copies of the Commission's preliminary determination under section 703(a) or 733(a) of the Act and of the facts and conclusions of law upon which the determination is based on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish a notice of such determination in the **Federal Register.**

12. Section 207.20 is amended by redesignating the present text as paragraph (b) and adding paragraph (a) to read as follows:

§ 207.20 Institution of investigation; notice.

(a) Notice from the administering authority of an affirmative preliminary determination under section 703(b) or 733(b) of the Act and notice from the administering authority of an affirmative final determination under section 705(a) or section 735(a) of the Act shall be deemed to occur on the date on which the transmittal letter of such determination is received by the Secretary from the administering authority or the date on which notice of such determination is published in the **Federal Register** whichever shall first occur.

* * * * *

13. Section 207.22 the section heading and introductory text are revised to read as follows:

§ 207.22 Prehearing brief.

Within ten (10) days after the date of service of the public portion of the staff report by the Commission to the parties, each party may submit to the Commission a prehearing brief. A prehearing brief shall, to the extent possible, refer to the record and shall include:

* * * * *

14. In § 207.23, paragraph (b) is revised to read as follows:

§ 207.23 Hearing.

* * * * *

(b) *Procedures.* Any such hearing shall be conducted after notice published in the **Federal Register.** The hearing shall not be subject to the provisions of subchapter II, chapter 5, title 5, United States Code, or to section 702 of that title. Each party shall limit its presentation at the hearing to a nonconfidential summary of the information and arguments contained in its prehearing brief, to a nonconfidential analysis of the information and arguments contained in the prehearing briefs required by § 207.22, and to information not available at the time its prehearing brief was filed.

* * * * *

15. Section 207.24 is revised to read as follows:

§ 207.24 Posthearing briefs.

Posthearing briefs concerning the information reduced at the hearing may be filed with the Secretary within a time specified by the official presiding at the hearing, provided that no such posthearing brief shall exceed ten (10) pages of textual material, double spaced, on stationery measuring 8½ x 11 inches. In addition, the presiding official may permit persons to file within a specified time answers to questions or requests made by the Commission at the hearing. The Secretary shall not accept for filing posthearing briefs or answers which do not comply with this rule.

16. Section 207.28 is revised to read as follows:

§ 207.28 Publication of notice of determination.

Whenever the Commission makes a final determination under section 303 or title VII of the Act, the Secretary shall serve the determination and the facts and conclusions of law upon which the determination is based on the petitioner, other parties to the investigation, and the administering authority. The Secretary shall publish notice of such determination in the **Federal Register.**

17. In § 210.10, paragraph (a) is revised to read as follows:

§ 210.10 Commencement of proceedings.

(a) *Upon receipt of complaint.* A proceeding is commenced by filing with the Secretary to the Commission the original and fourteen (14) true copies of a complaint, plus one copy for each person named in the complaint as violating section 337 of the Tariff Act.

* * * * *

By order of the Commission.

Issued: May 20, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15982 Filed 5-27-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[CC:LR-214-76]

Income Tax; Use of Property That Has Been Valued Under Section 20342A To Satisfy a Pecuniary Bequest

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Income Tax Regulations relating to the satisfaction of a pecuniary bequest with property that has been valued under section 2032A. The regulations would affect and provide guidance to trustees of trusts and executors of estates who satisfy a pecuniary bequest with property that has been valued under section 2032A.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 20, 1981. The amended regulations are proposed to be effective for decedents dying after December 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Stephen J. Small of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1040 of the Internal Revenue Code of 1954 (Code). these amendments are proposed to conform the regulations to section 401 (c)(2)(A) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 300) which provides rules relating to the use of property that is valued under section 2032A to satisfy a pecuniary bequest and are to be issued under the authority contained in section 7805 of the code (68A Stat. 917; 26 U.S.C. 7805).

This document deletes the temporary regulations found at §§ 7.1023(b)(3)-1 and 7.1023 (h)-1 (26 CFR Part 7). These temporary regulations are deleted rather than revoked because they continue to be applicable for the estates of certain decedents whose executors or administrators elected carryover basis treatment for assets acquired or passing from decedents by filing Form 5970-A, election of Carryover Basis.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605 (b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant economic impact on a substantial number of small entities. The proposed rules do not impose a significant economic burden on taxpayers. The rules affect only trustees of trusts and executors of estates who satisfy a pecuniary bequest with property that has been valued under section 2032A.

Drafting Information

The principal author of this regulation is Kyllikki Kusma of the Legislation and Regulations Division of the Office of chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendment to the Regulations

The proposed amendments to 26 CFR Part 1 and Part 7 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. There is added immediately after § 1.1039-1 the following new section:

§ 1.1040-1 General Rule.

(a) *Recognition of gain*—(1) *Estates.* If the executor of an estate satisfies the right of a qualified heir to receive a pecuniary bequest with property with respect to which an election was made under section 2032A (section 2032A valuation), the estate will recognize gain only to the extent that, on the date of the exchange, the fair market value of the property exceeds the fair market value such property had on the date of death or alternative valuation date, if applicable, determined without regard to section 2032A. See section 2032 for rules relating to the election of the alternative valuation date, section 2032A (e)(1) for the definition of qualified heir, and section 2203 for the definition of executor. For purposes of this paragraph (a)(1), the date of exchange is the earlier of the date the property is actually distributed or credited to the beneficiary.

(2) *Trusts.* If, by reason of the death of the decedent—

(i) A qualified heir has the right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

(ii) The trustee of the trust satisfies such right with property with respect to which an election was made under section 2032A,

the trust will recognize gain only to the extent that the fair market value of the property on the date of the exchange exceeds the fair market value such property had on the date of death or the alternative valuation date, if applicable, determined without regard to section 2032A. For purposes of this paragraph (a)(2), the date of exchange is the earlier of the date the property is either actually distributed or credited to the beneficiary.

(3) *Scope.* If the fair market value of the property on the date of exchange is less than the fair market value the property had on the date of death or alternative valuation date, if applicable, determined without regard to section 2032A, but greater than the section 2032A valuation, the trust or estate will not recognize either a gain or loss on the exchange. A loss is recognized only if the fair market value of the property on the date of exchange is less than the section 2032A valuation. If a specific bequest of property is not satisfied with the specifically bequeathed property but, rather, is satisfied with property that has been valued under section 2032A, section 1040 will not apply to the transaction. See § 1.661 (a)-2 (f) for rules relating to distributions in kind. If the property used to satisfy the pecuniary bequest is subject to an allowance for amortization or depreciation and such deductions were taken by the estate or trust, see section 1245 and 1250 for the treatment of gain realized on the exchange, as determined under those sections.

(4) *Basis.* The basis of property acquired in an exchange in which gain realized is not recognized under section 1040 (a) and (b), is the basis of the property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange.

(b) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). C established a revocable inter vivos trust on February 14, 1978, which provided that D, a qualified heir, was to receive $150,000 of the corpus upon C's death and all of the income of the trust thereafter for life. Upon D's death, the remainder passes to E, a qualified heir. C died on August 15, 1982. During the 1984 taxable year, the trustee satisfied the $150,000 bequest with property which had been valued under section 2032A. At the time of C's death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $140,000 and a section 2032A valuation of $80,000. On the date the bequest was satisfied, the property had a fair market value of $150,000. The trust must recognize a gain of $10,000 ($150,000—$140,000) on the exchange.

D's basis in the property received is $90,000 ($80,000 (section 2032A valuation) + $10,000 (gain recognized by the trust)).

Example (2). H established a revocable inter vivos trust on April 20, 1977, which provided that upon H's death, P, a qualified heir, was to receive $25,000 yearly for life with the remainder being distributable to certain named qualified heirs. Any excess income was payable to J, a qualified heir. H died on June 23, 1980. The corpus of the trust consisted of property which was valued under section 2032A. The trust income for the 1985 fiscal year was only $17,000, which was not sufficient to satisfy the bequest of $25,000. Consequently, the trustee transferred to P property that had been valued under section 2032A. The property had a fair market value of $8,000 on the date of the transfer. On the date of death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $5,000 and a section 2032A valuation of $3,000. The trust must recognize a gain of $3,000 ($8,000−$5,000) on the exchange. P's basis in the property received is $6,000 [$3,000 (section 2032A valuation) + $3,000 (gain recognized by the trust)].

Example (3). F died testate on January 3, 1980, leaving G, a qualified heir, a pecuniary bequest of $100,000, which the executor satisfied on June 14, 1982, with $20,000 in cash and property that had been valued under section 2032A. On the date of death the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $90,000 and a section 2032A valuation of $60,000. On the date of the exchange the property had a fair market value of $80,000. The estate will not recognize a gain under these circumstances because the fair market value of the property on the date of exchange ($80,000) does not exceed the $90,000 fair market value the property had for purposes of chapter 11 (determined without regard to section 2032A). Additionally, the estate will not recognize a loss because the fair market value of the property on the date of exchange ($80,000) is not less than the section 2032A valuation of the property ($60,000). G's basis in the property is $60,000.

Example (4). A died testate on March 6, 1977, leaving B, a qualified heir, a pecuniary bequest of $500,000, which the executor satisfied on August 8, 1980, with property that had been valued under section 2032A and with cash of $150,000. On the date of death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $250,000 and a section 2032A valuation of $100,000. On the date of the exchange, the property had a fair market value of $350,000. Under these circumstances, the estate will recognize a gain of $100,000 ($350,000−$250,000) on the exchange. B's basis in the property received is $200,000 [$100,000 (section 2032A valuation) + $100,000 (gain recognized by the estate)].

Example (5). The decedent, A, died testate on January 3, 1977. A's will established a trust in which B, a qualified heir, received the income of the trust for life. B also had a testamentary special power of appointment over the corpus of the trust which was exercisable in favor of C, D, and E. The potential appointees were also qualified heirs. The corpus of the trust consisted of property that was valued under section 2032A. B died on September 1, 1983. Pursuant to B's exercise of the special power of appointment, C received $200,000, D received one-third of the corpus and E received the residue of the corpus. The trustee satisfied C's right by distributing property that had been valued under section 2032A. On the date of the exchange, the property distributed to C had a fair market value of $200,000. On the date of A's death, the property had a fair market value for purposes of chapter 11 (determined without regard to section 2032A) of $75,000 and a value under section 2032A of $50,000. The trust must recognize a gain of $150,000 ($200,000−$50,000) on the exchange. Section 1040 does not apply to the exchange because C's right to receive $200,000 by virtue of B's exercise of the special power of appointment is not a right arising by reason of the death of A.

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

§§ 7.1023(b)(3)–1 and 7.1023(h)–1 [Deleted but not Revoked]

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

[FR Doc. 81-15964 Filed 5-27-81; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Time Limit To Submit Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Proposed Regulation.

SUMMARY: The proposed regulation sets a time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements. The veteran must do this in order to receive educational assistance allowance for these courses. In assuring the orderly administration of benefits, the Veterans Administration may require a measure of diligence from the veteran. This proposal does this.

DATE: Comments must be received on or before July 27, 1981. It is proposed to make this proposal effective the date of final approval.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A); Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until August 6, 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, NW., Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: Section 21.4136 is amended to require a veteran to report within 1 year mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting the requirements for graduation.

The agency has determined that this proposed regulation is 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 NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until August 6, 1981. Any person visiting 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: May 8, 1981.

Rufus H. Wilson,
Acting Administrator.

The Veterans Administration proposes to amend 38 CFR Part 21 as follows:

In § 21.4136, paragraph (k) is revised as follows:

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

* * * * *

(k) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or

receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the veteran withdraws or the date he or she completes the course for which the nunpunitive grade is given.

(2) The following circumstances are representative of those which the Veterans Administration considers to be mitigating provided they prevent the veteran or eligible person from pursuing the program of education continuously. This list is not all-inclusive.

(i) An illness of the veteran or other eligible person,

(ii) An illness or death in the veteran's or eligible person's family,

(iii) An unavoidable geographical transfer resulting from the veteran's or eligible person's employment,

(iv) An unavoidable change in the veteran's or eligible person's conditions of employment.

(v) Immediate family or financial obligations beyond the control of the veteran or eligible person which require him or her to suspend pursuit of the program of education to obtain employment.

(vi) Discontinuance of a course by the school,

(vii) Unanticipated active duty military service, including active duty for training.

(3) If the student fails to complete satisfactorily a course under subchapter V, chapter 34, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education. (38 U.S.C. 1780(a))

[FR Doc. 81-15696 Filed 5-27-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[ENH-FRL-1839-1]

Pesticides Enforcement: Proposed Rule Interpreting Sections 26 and 27 of FIFRA; Notification to the Secretary of Agriculture

AGENCY: Office of Enforcement, Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture of a Proposed Regulation.

SUMMARY: Notice is hereby given, as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 *et seq.*), as amended, that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's Proposed Rule interpreting sections 26 and 27 of FIFRA. The Rule clarifies several of the operative terms in these sections relating to State primary enforcement responsibility for pesticide use violations.

FOR FURTHER INFORMATION CONTACT: Steve Leifer (EN-342), Pesticides and Toxic Substances Enforcement Division, Office of Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0970.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA states that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register** (with the proposed regulation) the comments of the Secretary, if requested, and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the **Federal Register** any time after such 30-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed Rule has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate. The Rule has also been submitted to the FIFRA Scientific Advisory Panel as required by section 25(d).

(Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*)

Dated: May 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-15915 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Parts 264, 265, and 267

[SWH-FRL-1838-4]

Hazardous Waste Disposal Facilities; Availability of Information

AGENCY: Environmental Protection Agency

ACTION: Notice of availability of information and request for comments

SUMMARY: On December 17, 1980, the Environmental Protection Agency noticed in the **Federal Register** drafts of four Technical Resource Documents providing design and evaluation information related to hazardous waste disposal regulations promulgated by the Agency. These documents were noticed for public comment on the accuracy and usefulness of the information presented. The purpose of today's notice is to announce the availability of four additional draft Technical Resource Documents.

DATES: Comments on these reports are due on or before August 26, 1981.

ADDRESSES: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460. Communications should identify the document title, (e.g., "Closure of Hazardous Waste Surface Impoundments", SW-873).

Copies of these reports are available for reading at the EPA Library Public Information Reference Unit (Room 2404) and Subtitle C Docket Room (Room 2711), both located at 401 M Street, SW, Washington, D.C., and at all Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday.

Copies of all the draft Technical Resource Documents are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22161. The following is a list of currently available draft Technical Resource Documents with publication numbers:

	NTIS publication No.
1. Evaluating Cover Systems for Solid and Hazardous Waste (SW-867).	PB-81-166-340.
2. Hydrologic Simulation on Solid Waste Disposal Sites (SW-868).	PB-81-166-332.
3. Landfill and Surface Impoundment Performance Evaluation (SW-869).	PB-81-166-357.
4. Lining of Waste Impoundment and Disposal Facilities (SW-870).	PB-81-166-365.
5. Management of Hazardous Waste Leachate (SW-871).	PB-81-189-359.
6. Guide to the Disposal of Chemically Stabilized and Solidified Waste (SW-872).	PB-81-181-505.

	NTIS publication No.
7. Closure of Hazardous Waste Surface Impoundments (SW-873).	PB-81-166-894.
8. Hazardous Waste Land Treatment (SW-874).	PB-81-182-107.

The first four Technical Resource Documents were noticed December 17, 1980 and the comment period closed May 6, 1981. The last four documents are being noticed for availability today.

FOR FURTHER INFORMATION CONTACT: Les Otte, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460, (202-755-9125).

SUPPLEMENTARY INFORMATION: EPA has promulgated a number of regulations for hazardous waste managment facilities under the authority of Section 3004 of RCRA. Regulations included in 40 CFR Parts 264, 265, and 267, addressing land disposal of hazardous waste have been promulgated on several dates beginning with May 19, 1980. While some of these regulations apply to interim status facilities (i.e., those in existence on November 19, 1980 which have complied with certain RCRA administrative requirements), others apply to facilities seeking a RCRA facility permit, either new or existing. Common to all these regulations are many technical requirements needing interpretation on a case-by-case basis. Information and guidance is needed both by the regulated facility owner or operator and by the state or Federal official making permit decisions. To provide this information and guidance the Agency has under development a series of Technical Resource Documents. Drafts of four of these documents were made available for public comment on December 17, 1980. The Agency is today making four additional draft documents available for public comment. In the future the Agency will notice the availability of still more such documents.

The Technical Resource Documents provide information on hazardous waste land disposal technologies and on techniques for evaluating facility designs and potential performance. They represent the current state of the art on these topics. Comments are requested on the accuracy and completness of the information presented, and usefulness of the information to state or Federl permit officials and facility owners or operators. Where inaccuracy or incompleteness is identified, commenters are requested to provide suggested remedies.

Dated: May 21, 1981.

Gary Dietrich,

Acting Deputy Assistant Administrator.

[FR Doc. 81-15923 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-168; RM-3561; RM-3608]

FM Broadcast Stations in Ellsworth, Farmington, Lewiston, and Skowhegan, Maine; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comments and reply comments period.

SUMMARY: Action taken herein extends the time for filing comments in a proceeding concerning the proposed assignment of FM channels in Ellsworth, Farmington, Lewiston and Skowhegan, Maine. Petitioner, Robert Harris, states that additional time is required to complete its preclusion study.

DATE: Comments must be filed on or before May 22, 1981, and reply comments on or before June 12, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 19, 1981.

Released: May 20, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), table of Assignments, FM Broadcast Stations. (Ellsworth, Farmington, Lewiston, and Skowhegan, Maine), BC Docket No. 81-168, RM-3561, RM-3608, (46 FR 18743; 3-26-81), order extending time for filing comments.

1. On March 13, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 18743, published March 26, 1981, concerning the above-entitled proceeding. The date for filing comments expired on May 12, 1981, and reply comments are due June 1, 1981.

2. On May 14, 1981, counsel for Robert Harris ("Harris") filed a request for extension of time to and including May 22, 1981, in which to file supporting comments here. Counsel states that Harris' engineer has been engaged in other matters before the Commission, and therefore, completion of its preclusion study has been delayed. Additional time is now requested to permit its engineer to complete the required study. Counsel states that all parties to this proceeding have indicated no objection to the requested extension of time.

3. Section 1.46 of the Commission's Rules states that extension requests must be filed seven days in advance of the filing deadline. However, since the Commission feels it would be in the public interest to have this material available to it in arriving at a decision in this proceeding, we will grant the additional time.

4. Accordingly, it is ordered, That the time for filing comments and reply comments in BC Docket No. 81-168, are extended to and including May 22, and June 12, 1981, respectively.

5. This action is taken pursuant to authority contained in 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.

[FR Doc. 81-15933 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-239; RM-2859; FCC 81-170]

Amendment of Part 73, Subpart E of the Commission's Rules and Regulations Concerning the Operation of Television Broadcast Stations by Remote Control

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed amending its rules to delete the requirement for TV broadcast stations operated by remote control to transmit, and log observations of, vertical interval test signals (VITS). Such a deletion should permit greater operating flexibility and reduce costs for these TV systems.

DATES: Comments are due on or before July 20, 1981 and replies on or before August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert Zeiler, Broadcast Bureau, (202) 632-9660.

Adopted: April 9, 1981.

Released: April 22, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of an amendment of Part 73, Subpart E of the Commission's Rules and Regulations concerning the operation of television broadcast stations by remote control, BC Docket No. 81-239, RM-2859, notice of proposed rulemaking.

1. The Commission has before it a petition for rulemaking (RM-2859) filed by the American Broadcasting Companies, Inc. (ABC). The petition requests the amendment of §§ 73.676(f) and 73.699 of the Rules. Comments in response to the petition were filed by CBS, Inc. (CBS); Consumer Electronics Group of the Electronic Industries Association (EIA); Joint Committee on Inter-Society Coordination Ad Hoc Committee on Television Ancillary Signals (JCIC); National Broadcasting Company, Inc. (NBC); and the Public Broadcasting Service (PBS). Late comments were filed by the National Association of Broadcasters (NAB).

2. The rule modifications sought by ABC concern the particular test signals, commonly referred to as VITS (vertical interval test signals), that must be transmitted by television broadcast stations operated by remote control. Specifically, ABC proposes amending the rules to specify only two vertical interval test signals, the configuration and characteristics of which are different from the ones required under the present rules.[1] The proposal would reduce the space in the vertical blanking interval used for VITS from two lines to one. ABC also proposes to amend the rules to specifically allow the use of automatic measuring equipment to monitor and log signal observations.

3. The proposed test signals are presently used by the four major networks and AT&T to assess the quality of the video signals distributed through transmission facilities leased from the Bell System. The use of these test signals by TV stations would conform remote control operations to present network test signal practices. In further support of the proposal, ABC claims that these test signals can measure the same relevant transmission and transmitter performance characteristics as those presently prescribed by the rules as well as permit additional measurements to be made. Another advantage of the two test signal concept, it argues, is that the broadcaster can put a signal generator operating at line 18 at the transmitter, monitor both the composite and combination signals, and compare the results to the same signals inserted on line 17 at the control center. Finally, petitioner notes that the proposed test signals are in agreement with the International Radio Consultative Committee (CCIR) draft recommendations.[2]

4. With regard to automatic measuring equipment, ABC argues that automatic vertical interval transmission analyzers were not available when the rules governing these test signals were adopted. Such equipment, however, is available today that will automatically monitor the remote transmitter and transmission link as well as log the information. ABC states that it and others have had considerable experience in the use of such equipment over the past few years with favorable results.

5. All comments filed in response to the petition supported the proposal. CBS, NAB, and JCIC stated that the proposal would make available additional space in the vertical blanking interval that could be used to meet future requirements. Several parties argued that if licensees were permitted to transmit the same test signals used by the networks, an incentive would be provided for the further development of automatic VITS monitoring and correction equipment.

6. The Commission has reviewed the ABC petition and the responses to it. Rather than propose the rule changes sought, we believe that stations operated by remote control should no longer be required to transmit vertical interval test signals. Consequently, our proposal is to delete the present rule sections requiring VITS transmission and those specifying the particular VITS to be transmitted. Our rationale for this proposal follows.

7. The current rules requiring stations operating by remote control to transmit prescribed vertical interval test signals were adopted in 1971 in Docket 18425, *Second Report and Order* (31 F.C.C. 2d 391). That proceeding permitted the operation of VHF-TV stations by remote control and unified the rules governing the remote operation of UHF-TV stations with those adopted for VHF stations. At that time the Commission believed that continuous transmission of the VITS, *i.e.*, simultaneous with regular program transmissions, was necessary to supervise the performance of the television system on a continuous basis. The Commission felt that the VITS to be transmitted should be specified by its rules to encourage licensee's use and reliance on the test signals, to promote simplicity in test equipment, and since the VITS were to be transmitted continuously, to limit the possibility of their interferring with regular program material. The Commission was also concerned that distortion and noise inherent in the monitoring process could be minimized if particular test signals were used. To insure licensees would take advantage of the continuous tranmission of the VITS, observations were required at a minimum of every half hour. The rule amendments adopted in the *Second Report and Order* were reconsidered by the Commission in a *Memorandum Opinion and Order* released on December 13, 1971, and with one non-germane exception retained.

8. Now some ten years later, VITS are extensively used by broadcast stations even where there are no Commission requirements. The VITS used include both those contained in the Commission's rules and others, such as those suggested by ABC. Equipment is available that will generate a variety of vertical interval test signals and analyzers are available that will analyze particular test signals.

9. In the same time period, the Commission itself has undergone changes in its regulatory philosophy. Today we place greater emphasis on the inherent working of the broadcast marketplace to regulate licensee behavior and conduct and on deregulation to lessen the number of rules licensees must obey. With these twin goals the Commission's review of the ABC request and the requirements of the present rules suggests that specific VITS requirements may no longer be necessary.

10. Firstly, we now question the need for VITS to be transmitted continuously with program material. The rules requiring monitoring of the VITS on a half-hourly basis to insure proper supervision of the transmission system were modified 14 months after they became effective to require observation every three hours. From experience, the Commission has found that the observations performed by station employees are quite cursory. (Station operating logs reflect this. After inspection of the VITS, a common practice is to check a block in the operating log indicating "VITS OK.") We have found that VITS are used in a meaningful manner at most stations only during maintenance and testing periods when the whole transmission system is evaluated. Most aberrations in the TV station's transmitted signal occur with the program source, such as variations

[1] The proposed test signals consist of a composite signal on field 1, line 17, and a combination signal on field 2, line 17; while the present rules require a multiburst on field 1, line 17, color bars on field 2, line 17, composite signal on field 1, line 18, and a fourth signal, either a composite or other suitable test signal, on field 2, line 18.

[2] CCIR Recommendation 473-2 for 525 line systems, Volume XII, 1978.

in the color burst and in the synchronization pulses. Since the VITS are intended to only indicate malfunctions in the studio output to transmitting antenna portion of a station's equipment, observations of the VITS do not detect defects in the program source signal.

11. Secondly, the broadcast industry has through its comments in response to the ABC petition, indicated that there is agreement on the type of vertical interval test signal that should now be used. Each of the major networks filed comments supporting the ABC proposal. This industry agreement on standardization of VITS has arisen because of use in common carrier transmission facilities (see para. 3, *supra*), independent of our rules for certain broadcasting facilities. Thus, in view of the industry agreement, there may no longer be any need for Commission rules to achieve standardization.

12. Thirdly, the present rules require that the VITS be added to the program signal at the transmitter remote control location. This requirement was based on the assumption of a typical TV station having the remote control point at a nearby studio location from which all programs would originate or be route to the transmitter. Many complex TV station operations, particularly statewide public broadcast systems, do not follow this assumed station plan. Programs may originate from a central studio location and be distributed by microwave relay directly to several transmitter sites. The statewide system may be divided into regions each having a common remote control point for several transmitters. Extensive duplication of equipment and microwave circuits may be required for such systems to comply with the existing rules. The Commission has granted waivers to some statewide public television systems where effective alternative measurement procedures can be used. Deleting the present remote control VITS requirements would permit much greater operating flexibility and operating economies for many such TV systems.

13. Finally, the Commission recognizers that the rules place different requirements on licensees who operate by remote control and those who don't. Those who do must now transmit VITS continuously with regular program material and observe them every three hours. Licensees who do not operate by remote control and yet are under the same broadcast quality transmission standards as those licensees who do, are under no obligation to transmit vertical interval test signals except as necessary to determine if the transmitter is functioning properly. The VITS used by remotely controlled stations are not used by the Commission's Field Operations Bureau in its enforcement efforts. They may be used to see if there are any readily identifiable problems with a particular licensee's equipment buy they are not used as the basis for violation notices. The Commission now feels that the licensees as a group should be held responsible for the quality of their transmissions. This places the responsibility for the station's proper operation, whether it includes remote control links or not, directly on their shoulders. We no longer desire to separate those who operate by remote control from those who don't and to impose greater burdens on the former category. It is not unreasonable, in our opinion, to expect licensees of stations operated by remote control, as we do with other television operations, to employ on their own whatever measures are necessary to insure quality transmissions. After all, it is to the licensee's benefit to provide a high quality broadcast signal. We are proposing, therefore, to delete § 73.676(f) requiring stations operated by remote control to transmit test signals in the vertical interval along with § 73.699, Figures 13, 14 and 15.

14. By proposing to delete the VITS standards and the mandatory transmission requirements, it is not our intention to encourage laxity on the part of licensees with respect to monitoring system performance. Nor are we proposing in any way to relieve the licensee of its responsibility to take appropriate measures to insure a quality transmission. Elimination of these requirements, we believe, merely increases the licensee's flexibility in monitoring system performance. Thus, under this approach, when and how often test signals are transmitted, how often they are observed, and their exact characteristics and configurations will be left up to the licensee. We expect, however, all licensees to perform tests and observations as necessary to insure proper performance and the test signal characteristics to be such as to not cause interference.

15. ABC states that automatic VITS analyzers are now available and requests amendment of the rules to provide for such equipment. Our present rules, however, do not restrict the usage of such equipment by TV stations. On the contrary, § 73.1820 permits the use of automatic measuring devices to record entries into the operating log. We see no reason, therefore, to modify our rules to expressly allow the use of specific types of equipment which are otherwise permitted.

16. *Regulatory Flexibility Act Initial Analysis.*

I. *Reason for action.* The Commission believes that the mandatory requirement that television stations operated by remote control continuously transmit Commission specified test signals during the vertical blanking interval may no longer be necessary.

II. *The objective.* The objective is to lessen the regulatory burden on television stations operated by remote control and allow, to a greater extent, the broadcast marketplace to regulate licensee conduct.

III. *Legal basis.* Action is proposed in accordance with Sections 303 (g) and (r) of the Communications Act of 1934 as amended which charges the Commission to encourage the more effective use of radio in the public interest.

IV. *Description, potential impact and number of small entities affected.* The proposed rule change would have its direct effect on television stations operated by remote control (approximately 600 stations) by eliminating the additional Commission requirements now placed on such stations. Under this proposal when and how often test signals are transmitted, how often they are observed, and their exact characteristics and configurations would be left up to the licensee.

V. *Recording, record keeping and other compliance requirements.* The proposal would delete certain record keeping requirements and introduce no new ones.

VI. *Federal rules which overlap, duplicate or conflict with this rule.* None.

VII. *Any significant alternative minimizing impact on small entities and consistent with stated objectives.* The Commission's alternatives are to maintain the status quo or to propose to adopt the VITS suggested by ABC.

17. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making 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, 47 CFR 1.1231.

18. This action is taken pursuant to authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before July 20, 1981, and reply comments on or before August 19, 1981. All relevant and timely comments will be considered by the Commission before further action is taken in this proceeding.

20. In accordance with the provisions of Section 1.419 of Commission's Rules and Regulations, an original and five copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comment may file an additional six copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that the docket number is specified. Such informal participating who wish members of the staff to have a personal copy and to have an extra copy available for the Commission's may file an additional five copies. 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. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 M Street NW.).

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

§ 73.676 [Amended]

1. It is proposed to amend § 73.676 by removing paragraph (f) in its entirety.

§ 73.699 [Amended]

2. It is proposed to amend § 73.699 by removing Figures 13, 14, and 15.

§ 73.1820 [Amended]

3. It is proposed to amend § 73.1820 by removing paragraph (a)(4)(i)(C) in its entirety.

[FR Doc. 81-15926 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[BC Docket No. 78-155; RM-2809; FCC 81-171]

Common Use of TV Towers

AGENCY: Federal Communications Commission.

ACTION: Denial of proposed rule (proceeding terminated).

SUMMARY: FCC terminates proceeding without issuing a Notice of Proposed Rule Making, as requested, which would have required that construction permits involving towers of VHF television stations be conditioned on permitting UHF television stations, at their request and expense, to place their antenna on the VHF's tower. It is concluded that the present rule adequately covers the matter and that the record in the proceeding does not support further consideration of the proposed rule.

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

FOR FURTHER INFORMATION CONTACT: Steve Crane or Philip Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

Adopted: April 9, 1981.

Released: April 21, 1981.

By the Commission: Chairman Ferris not participating.

In the matter of Common Use of TV Towers, BC Docket No. 78-155, RM-2809, Report and Order, (Proceeding Terminated).

1. The Commission has under consideration its *Notice of Inquiry* adopted May 18, 1978, in the above captioned matter (FCC 78-351; 68 F.C.C. 2d 634) and the comments and reply comments filed in response to that *Notice*.

2. The *Notice of Inquiry* was adopted as a result of a petition for rule making filed by Triangle Telecasters, Inc.[1] It is requested the amendment of § 73.635 of the rules (Use of common antenna site) "to require that grants of construction permits for new or changed facilities for VHF television stations which involve construction or modification of a tower, be conditioned to permit UHF-TV stations, upon request and at their own expense, to place their antenna on the tower." Section 73.635 now provides:

§ 73.635 Use of common antenna site.

No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) the site is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

3. The Commission stated that "Triangle's proposal appears to warrant * * * investigation. Thus, although we are not fully persuaded that the petitioner has made a case for incorporating it [the proposal] in specific language in the rules, we are adopting this *Notice of Inquiry* to explore the proposal further." The Commission then asked a number of specific questions and asked interested parties to comment on them. Finally, the Commission expressed "its willingness to consider the proposition and if the record in the *Inquiry* supports consideration of a rule, specific proposals will be examined in a subsequent rule making proceeding." Twelve comments and one reply comment were filed. Nine were in opposition and three were in support.[2]

4. Petitioner and supporters of the change propose a rule which would read as follows:

* * * designate existing § 73.635 of the Commission's Rules as § 73.635(a), and add Subsections (b) and (c) to § 73.635 as follows:

(b) No construction permit will be granted for a new VHF television station or for a change in the facilities of an existing VHF

[1] Predecessor in interest to American Telecasters, Inc., who filed comments and the only reply comment in response to the *Notice*.

[2] See Appendix for list of commenters.

television station involving construction of a new or modified tower, except upon the condition that the VHF applicant allow placement on the tower to be used by it of the antenna of any existing or proposed UHF television station requesting such placement and making provision for payment of reasonable additional costs resulting from the adaptation or change, if any, in the tower design to permit the placement of such UHF antenna(s).

(c) Any UHF licensee or applicant seeking to place a UHF antenna on the tower of a VHF licensee or applicant pursuant to Subsection (b) of this Section, may be required to pay reasonable rental based upon allocation to such UHF licensee or permittee of a pro rata cost of construction or alteration of the tower and support facilities, except to the extent that provision for payment of such pro rata costs has otherwise been made as provided in Subsection (b) of this Section. The allocation of costs shall be made by dividing the incremental costs incurred for construction or alteration of the tower and support facilities to accommodate UHF antennas, by the total number of UHF antennas to be placed on the tower.

5. Such a rule, it was alleged, would result in "substantial public interest benefits," by affording existing UHF–TV stations a facilities-improvement "opportunity," or "provide for an additional UHF station in a community" by making such venture a financial possibility as a result of cost savings due to tower sharing. The proposed rule would allow the UHF–TV station common usage of the VHF station's tower for an expenditure of the amount equal only to "reasonable additional costs resulting from adaptation or change;" [3] and further would allow the pay-off to be based on a "reasonable rental." The rule change, it was stated, would "[equalize] UHF service with VHF service." It was purported to further the aims of the Commission and the Congress in encouraging UHF growth and likened it to such governmentally mandated equalization measures as the "All-Channel Receiver Law and the Comparable Tuning Regulations."

6. Initially, we note that arrangements for the sharing of antenna towers are desirable. Such agreements can reduce individual station costs, thereby making a better program product possible. Moreover, they also may permit utilization of more advantageous transmitter sites which can improve signal quality in the area to be served.[4] In this regard, supporters of the proposed rule could cite only one instance of a refusal to consider the joint use of a tower.[5] This leads us to believe that the economic forces which seem to compel licensee consideration of such sharing arrangements are working as we would expect.

7. We continue to believe that the public interest is furthered by the institution of new television service, UHF and VHF, and we will continue to seek means by which any inequalities between those services can be resolved. However, the proposal before us goes so far as to favor UHF over VHF in bearing the cost of any new construction. Even if the rule did not attempt to apportion the additional costs of modifying the new tower, the creation of a regulatory right of access to the tower skews the negotiations of the parties. In this regard, the record indicates that individual licensees have, in all but one case, adequately negotiated these matters without Commission intervention.

8. Under these circumstances, it does not appear that any further regulatory intrusion into this area is necessary. In fact, we believe that our current restriction strikes the proper balance between the exercise of a licensee's business judgment and the Commission's responsibility to regulate the broadcast industry in the public interest. That is, we would intrude in this area only in situations where the exclusive use of a unique site results in limitations of service to the public. Therefore, having considered the proposal, comments in support thereof and in opposition thereto, we conclude that there is insufficient reason to proceed to a Notice of Proposed Rule Making in this matter.

9. In view of the foregoing, it is ordered, That this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parties filing comments and reply comments:

Comments

McGraw-Hill Broadcasting Company, Inc.
Wometco Blonder-Tongue Broadcasting Corp.
John H. Phipps Broadcasting Stations, Inc.
National Association of Broadcasters
American Broadcasting Companies, Inc.
Joint filing by:
  Spanish International Communications Corp.
  Bahia De San Francisco Television Co.
  Legend of Cibola Television Co.
CBS, Inc.
Fletcher, Heald and Hildreth, Law Firm
Corinthian Broadcasting Corp.
American Telecasters, Inc.
Radio Broadcasting Company
American Subscription Television Companies

Reply Comment

American Telecasters, Inc.

[FR Doc. 81-15827 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

[3] Rather than *equally* sharing the total construction or reconstruction costs.

[4] The Federal Aviation Administration also favors the co-location of broadcast towers to minimize air traffic hazards.

[5] This information was supplied in response to one of the *Notice's* specific questions.

Notices

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Science and Education Administration

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences.
Date: June 10, 1981.
Time and Place: 8:30 a.m.-4:00 p.m., Room 3109, South Building, USDA, Washington, D.C.
Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.
Comments: The public may file written comments before or after the meeting with the contact person below.
Purpose: Review results of GAO study *Long Range Planning for U.S. Agricultural Research and Development;* discuss Joint Council/Users Advisory Board interaction; hear reports from the Committee on Minority Affairs and the Study Group on Increasing Public Understanding of Agricultural Science and Education.
Contact Person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C., this 18th day of May 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-15960 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Critical Area Treatment on Public School Lands, Puerto Rico

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Ivan R. Emmanuelli, Director, Caribbean Area, Soil Conservation Service, Room 609, Federico Degetau Federal Building and U.S. Courthouse, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918, telephone number (809) 753-4206.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Critical Area Treatment on Public School Lands, RC&D Measure, Puerto Rico.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ivan R. Emmanuelli, Director, Caribbean Area, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include land treatment measures such as shaping, liming, fertilizing, seeding to permanent vegetation of disturbed areas, and installation of temporary fences to protect treated areas. Sidewalks will be installed in selected school locations.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ivan R. Emmanuelli. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15963 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Lake Vernon Spillway Park Critical Area Treatment, Louisiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Vernon Spillway Park Critical Area Treatment RC&D Measure, Vernon Parish, Louisiana.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the stabilization of four acres of critically eroding land along Lake Vernon in the Lake Vernon Spillway Park. One segment of shoreline will be shaped and seeded to grass. Planned structures include a retainer wall, steps, and traffic barriers.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to

various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15961 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Roadbank Stabilization Critical Area Treatment RC&D Measure, Pennsylvania

AGENCY: Soil Conservation Service, U.S. Department of Argiculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone number (717) 782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Counsel on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an enviromental impact statement is not being prepared for the Roadbank Stabilization Critical Area Treatment RC&D Measures, Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pennsylvania

The environmental assessment of this federally-assisted action indicates that the measures will not cause significant impact on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that preparation and review of an environmental impact statement are not needed for these measures.

The measures concern plans for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize bare eroding roadbanks, slips and roadbanks subject to meandering high velocity streams. Practices include grading, subsurface drains, riprap gabions, short sections of retaining walls and vegetative treatment with lime, fertilizer, seed shrubs, and mulch.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable.)

Dated: May 20, 1981.

Joseph W. Haas.

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15962 Filed 5-26-81; 8:45 am]

BILLING CODE 3410-16-M

Buckhannon-Upshur Intermediate and Academy School Grounds R.C. & D. Measure; West Virginia

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304-599-7151.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buckhannon-Upshur Intermediate and Academy School Grounds RC&D Measure, Upshur County, West Virginia.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns plans for the revegetation of about 2 acres of critical areas at the two school sites. A combination of structural and vegetative practices are necessary to establish adequate vegetation on the critical areas. Included in the planned works of improvement are vegetative practices, subsurface drains, and diversion.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

Dated: May 20, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15972 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Canton Athletic Area Land Drainage R.C. & D. Measure; Oxford County, Maine

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone (207) 866-2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Canton Athletic Area Land Drainage RC&D Measure, Oxford County, Maine.

The environmental assessment of this federally-assisted action indicates that

the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for subsurface drainage on an athletic field in the town of Canton, Maine. The planned works of improvement consists of installation of an underground tile drainage system to collect and dispose of subsurface water, surface grading, and seeding the area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15973 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Crow Creek—Optimist Park Water Based Recreation R.C. & D. Measure; Wyoming

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank S. Dickson, Jr., State Conservationist, Soil Conservation Service, Federal Building, 100 East B Street, P.O. Box 2440, Casper, Wyoming 82602, telephone number (307) 265-5550.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Crow Creek—Optimist Park Water Based Recreation RC&D Measure, Laramie County, Wyoming.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure plan includes installation of 1,000 feet of concrete bikeway-walkway, curbing, parking lot, drain pipe, underground irrigation system, picnic shelter, and picnic tables. Also included are grading and shaping, grass seeding, tree plantings, fencing, and cleanup of Crow Creek along the park development area.

The project area is 2.5 acres in size and will be open to the public. Crow Creek runs for a distance of about 600 feet through the planned park.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

[FR Doc. 81-15974 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Daviess County Lions Club Park RC&D Measure Plan, Kentucky

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone (606) 233-2749.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Daviess County Lions Club Park RC&D Measure Plan, Daviess County, Kentucky.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage, water disposal areas, and vegetative cover. The planned works of improvement include critical area treatment, underground tile drainage, open ditch drainage, a riprap chute, a grass waterway, a diversion channel, and some land smoothing.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Eddie L. Wood. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects as applicable)

Dated: May 20, 1081.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15975 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Johnson Creek Watershed; Washington

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, telephone (509) 456–3711.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Johnson Creek Watershed, Whatcom County, Washington.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Lynn A. Brown, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for the accelerated application of water quality measures to reduce discharge of dairy waste into watershed streams. The water quality measures to be installed by individual farm owners and/or operators include rainwater handling facilities such as rain gutters, downspouts and diversion pipes, animal waste storage facilities, including ponds, concrete tanks and glass lined steel tanks, animal waste distribution facilities such as pipelines and risers, animal waste handling facilities including concrete curbs and slabs, roofs over dry stacked animal wastes, and fencing of stream corridors in selected reaches.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Lynn A. Brown, State Conservationist. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 18, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15976 Filed 5-27-81; 8:45 am]
BILLING CODE 3410-16-M

Kinkaid Lake R.C. & D. Measure; Illinois

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone (217) 398–5267.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; The Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Kinkaid Lake RC&D Measure, Jackson County, Illinois.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based outdoor recreation facilities. The planned works of improvement include picnic tables, grills, picnic shelters, water wells, sanitary accommodations, roads and parking, overlook, boat launch ramp, canoe landings, primitive campsites, bicycle rack, and signs.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Warren J. Fitzgerald. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15977 Filed 5-27-81; 8:45 am]
BILLING CODE 3410-16-M

Milbridge Ballfield Land Drainage R.C. & D. Measure, Maine

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Milbridge Ballfield Land Drainage RC&D Measure, Washington County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for surface and subsurface water control and disposal on an athletic field in the town of Milbridge, Maine. The planned works of improvement consists of installation of surface ditches and an underground conduit system to collect, convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R.

Abercrombie. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15878 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

Putnam County Fair and 4-H Club Association, Inc., Land Drainage R.C. & D. Measure; Indiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone number (317) 269-6515.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Putnam County Fair & 4-H Club Association, Inc. Land Drainage RC&D Measure, Putnam County, Indiana.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include construction of a surface drain 1,700 feet in length, a diversion of 3,000 feet and a subsurface drain of 1,500 feet. Also, approximately 3.8 acres of seeding, fertilizing, and mulching to be done after construction is completed.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by contacting Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 29, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: May 20, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-15871 Filed 5-27-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Advisory Panels for the Caribbean, South Atlantic and North Pacific Fishery Management Councils; Reestablishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Department has determined that the reestablishment of the Advisory Panels (APs) for the Caribbean, South Atlantic, and North Pacific Fishery Management Councils (FMPs) are in the public interest in connection with the performance of duties imposed on the Department by law.

The Magnuson Fishery Conservation and Management Act (MFCMA), signed on April 13, 1976 mandated the establishment of eight Regional Fishery Management Councils to serve as the instruments of Federal-State-private interaction in the conduct of fishery management in the U.S. Fishery Conservation Zone (FCZ). The Act also authorized the establishment of such advisory panels (APs) as are deemed necessary in assisting the Councils in carrying out their functions.

Each of the Advisory Panels was first established in April 1977. They will continue with a balanced representation of members, who are appointed by the parent Council. The purpose of each Panel is to advise the respective Council in the assessments and specifications contained in the fishery management plans (FMPs) for fisheries within the Councils' geographic area of concern, with particular regard to (1) the extent to which the fishing vessels of the United States will harvest the resources considered in FMPs; (2) the effect of such FMPs on local economies and social structures; (3) potential conflicts between user groups of a given fishery resource; and (4) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources.

Inquiries or comments regarding this notice may be addressed to Mr. Donald Humphries, Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, telephone: (301) 443-8731, or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-4217.

Dated: May 26, 1981.

Hugh L. Brennan,

Director, Office of Organization and Management Systems.

[FR Doc. 81-16050 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-17-M

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) LaVenta Corporation, P.O. Box 1207, Bloomington, Indiana 47402, producer of belt buckles, belts, and wallets (accepted May 7, 1981); (2) J.E. Streater & Son, Route 2, Bloomsburg, Pennsylvania 17815, producer of cut flowers, potted plants and corn (accepted May 8, 1981); (3) Beroc, Inc., One Alden Road, Nanticoke, Pennsylvania 18634, producer of bakery equipment (accepted May 8, 1981); (4) Great Lakes Juice Company, P.O. Box 47, North East, Pennsylvania 16428, producer of grape juice and wine (accepted May 8, 1981); (5) Metalworks Manufacturing Corporation, 5800 W. Road 46, Bloomington, Indiana 47401, producer of heating stoves and

agricultural spray equipment (accepted May 8, 1981); (6) The Mica Corporation, 10900 Washington Boulevard, Culver City, California 90230, producer of plastic laminates (accepted May 11, 1981); (7) Princeton Gardens, Petersburg Road, Princeton, Indiana 47670, producer of cut flowers and potted plants (accepted May 12, 1981); (8) Moon Farm, 2615 Tacoma Road, Tacoma, Washington 98371, producer of raspberries and rhubarb (accepted May 12, 1981); (9) TACTEC Systems, Incorporated, Country Club Road, Meadow Lands, Pennsylvania 15347, producer of mobile two-way radio equipment (accepted May 18, 1981); (10) Lambertville Ceramic & Mfg. Company, Inc., P.O. Box 128, Lambertville, New Jersey 08530, producer of ceramic machinery and electronic parts (accepted May 18, 1981); (11) Ginther Farms, 1115 Benston Drive, N.E., Puyallup, Washington 98371, producer of raspberries and rhubarb (accepted May 19, 1981); and (12) Lake King Rod Company, Inc., 3530 S.E. 21st Street, Topeka, Kansas 66605, producer of fishing rods (accepted May 20, 1981).

The petitions were submitted pursuant to Section 251 of the Trade act of 1974 (P.L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business June 7, 1981.

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. Inasfar 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. 81–15886 Filed 5–27–81; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

Tempered Sheet Glass From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke.

SUMMARY: As the result of an administrative review of the antidumping finding on tempered sheet glass from Japan the Department of Commerce has tentatively determined to revoke the finding. With the exception of one sale with a *de minimis* margin, all sales by the sole exporter, Asahi Glass Company, Ltd., were made at not less than fair value from September 25, 1971, through September 12, 1975, and there were no shipments to the U.S. for the 2-year period from September, 1978 through August, 1980. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur N. DuBois, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 25, 1971, a dumping finding with respect to tempered sheet glass from Japan was published in the **Federal Register** as Treasury Decision 71–247 (36 FR 10913). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury on September 12, 1975 (40 FR 42378). Treasury's investigations indicated that, with the exception of one sale with a *de minimis* margin, all sales by the sole exporter, Asahi Glass Company, Ltd., were made at not less than fair value for a period of four years from the finding of dumping. Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present written and oral views. Both sides presented arguments; however, Treasury took no further action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on tempered sheet glass from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Merchandise covered by this review is tempered sheet glass in patio door sizes, currently classifiable under item 544.3100 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one Japanese producer or exporter of tempered sheet glass covered by this finding to the United States, Asahi Glass Company, Ltd.

Since more than five years have elapsed since the original tentative revocation, we decided to inquire whether sales at less than fair value recurred since that time. Therefore, we requested that Asahi furnish data for the two-year period from September 1, 1978 to August 31, 1980. Their response indicated no shipments to the United States for this period.

Review of Prior Comments

The domestic producers objected to Treasury's proposed revocation for the following reasons:

First, they contended that the scope of the finding is not limited to tempered sheet glass in patio door sizes, but encompasses such glass for automotive purposes, shower/tub enclosures, etc. However, the original complaint received on September 9, 1969, was limited to tempered sheet glass in patio door sizes, as were the subsequent fair value investigation, the less than fair value determination, the injury investigation and determination, and subsequent appraisement instructions ("master lists").

Second, they contended that foreign market value should be based on home market sales rather than third country sales. However, the Custom Service ruled on June 30, 1979, that the proper basis of comparison should continue to be third country sales (Canada), as the sales in Japan were not of "such or similar merchandise", that is, tempered sheet glass in patio door sizes. We agree with that position.

Third, they contended that, in addition to Asahi, other Japanese firms were exporting this product to the United States. Our review indicates that Asahi Glass Company, Ltd. was and is the sole exporter of such merchandise and did not sell tempered sheet glass at less than fair value during that period of review, that is, from date of the finding, September 25, 1971, through September 12, 1975, a period of four years.

Preliminary Results of the Review

With the exception of one sale which resulted in *de minimis* duties being assessed, there is no record of any sales at less than fair value between the date of the finding, September 25, 1971, and September 12, 1975, and no shipments from September 1, 1978 to August 31, 1980, for a combined period of six years.

As provided for in § 353.54(e) of the Commerce Regulations, Asahi has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that tempered sheet glass used in patio doors thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review, we tentatively determine to revoke the finding on tempered sheet glass from Japan. If this finding is revoked, it shall apply to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 12, 1975. Interested parties may submit written comments on these preliminary results on or before June 29, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. A request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 21, 1981.

[FR Doc. 81-15867 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Agency Recommendation on Claim Filed Under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to the NOAA Office of Administrative Law Judges, which will decide the matter, that Title IV Claim No. FCF–63–79 be denied. Interested persons have 15 days to request the Administrative Law Judge (ALJ) to conduct an oral hearing concerning the claim or to request to be admitted as parties to any hearing on the claim.

DATES: Requests for oral hearing or to be admitted as a party must be received on or before June 12, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page One Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254–8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for vessel and gear damage and lost profits caused by items associated with oil or gas activities on the Outer Continental Shelf (OCS). On July 23, 1979, Claim No. FCF–63–79 was filed. The claim seeks compensation from the Fund of $6,164.60 for loss of a complete shrimp trawling rig and $14,256.00 for lost profits caused by Claimant's catching his gear on an obstruction on July 17, 1979, at coordinates 28°44.4′ N and 91°37.6′ W. As required by the 50 CFR Part 296 regulations implementing Title IV, notice of the claim was published on June 16, 1980 (45 FR 40632). This notice gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service's Financial Services Division (FSD) that they wished to submit evidence concerning the claim or to be admitted as parties at any hearing held in respect to the claim. No response was received. This notice also advised that FSD may forward to NOAA General Counsel a proposed agency recommendation concerning the claim. FSD has done so in this case, with the proposal that the Agency recommend to the ALJ that the claim be paid in an amount agreed upon between Claimant and FSD. This was $9,335.48, consisting of $6,164.60 for damage to fishing gear and $3,170.88 for lost profits. The proposed settlement of a claim between a claimant and FSD is authorized by 50 CFR 296.8(c).

As provided by 50 CFR 296.8(d)(3), the Agency published notice in the **Federal Register** on October 27, 1980, that it had determined that this proposal would be the official Agency recommendation in this matter (45 FR 70956). However, since then, the Agency has obtained additional information which required reconsideration of the recommendation. This has led the Agency to the conclusion that Claimant's damage was caused by a sunken dredge not associated with oil and gas activities on the OCS.

Accordingly, pursuant to 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the claim should be denied, and will so recommend to the ALJ.

Any interested person who objects to this recommendation, or Claimant, may request that the ALJ who will be assigned to the case conduct an oral hearing concerning the claim. Any interested person may also request to be admitted as a party to any hearing concerning the claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is for an oral hearing, the request must state the reasons why an oral hearing should be held. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The ALJ will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing General Counsel at the above address.

No sooner than the close of the 15-day period referred to at the beginning of this notice, General Counsel will refer the claim, together with the agency recommendation and any requests received in response to this notice, to the NOAA Office of Administrative Law

Judges for adjudication. It is the present intention of the General Counsel to request the ALJ to decide this claim without oral hearing; but the General Counsel does not expect to have objection to a hearing if one is requested by Claimant or any interested party.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44942).

Signed at Washington, D.C., this 21st day of May 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 81-15928 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Marineland of New Zealand; Issuance of Permit

On September 3, 1980, Notice was published in the **Federal Register** (45 FR 58389), that an application had been filed with the National Marine Fisheries Service by The Marineland of New Zealand for a permit to take three (3) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on May 21, 1981, and as authorized ty the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public display Permit for the above taking to The Marineland of New Zealand, subject to certain conditions set forth therein.

The permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15948 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Squid, Atlantic Mackerel, and Butterfish Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Squid, Atlantic Mackerel, and Butterfish Subpanel, which will meet to discuss amendment #3 to the Squid, Mackerel and Butterfish Fishery Management Plans. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meeting will convene on Tuesday, June 30, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at the Best Western Philadelphia Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: May 21, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-15949 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Regional Fishery Management Councils, Chairpersons and Executive Directors; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The eight Regional Fishery Management Councils were established by Section 302 of the Magnuson Fishery Conservation and Management Act (MFCMA), Pub. L. 94–265. The Council Chairpersons and Executive Directors will hold public meetings.

Council Chairpersons' Proposed Agenda

The Council Chairpersons will meet with the Assistant Administrator for Fisheries, NMFS, and with NOAA/NMFS legal and administrative representatives on the following:

1. MFCMA Amendments

General discussion and attempt to arrive at uniform Council policy on amendments necessary to increase the efficiency of the Magnuson Act, speed the development and amendment of fishery management plans (FMPs) and reduce paperwork and costs of developing and implementing plans.

2. Alternate Approaches to the FMP Process

General discussion of the current FMP process; consideration of other approaches to compliance with the Magnuson Act than the formal implementation of FMPs; definition of fishery management units; determination of the need for management of a fishery resource; avenues for increased cooperation with State fishery management systems; cooperative State/Federal law enforcement with NOAA.

3. Determination of Fishery Conservation Zone Boundaries

In several places around the U.S., there are areas now defined as being within the fishery conservation zone that are completely enclosed by State waters. A solution is needed for jurisdiction and management of those areas.

4. Council Funding and NOAA Budget

A review of the Council budget process, an estimate of funding available through the next budgeting cycles (3 years); similar review of NOAA/NMFS budgets with particular reference to research and resource survey programs. Anticipated NMFS personnel reductions under new administration; new directions and policies of new administrators.

5. Ancillary Acts to the MFCMA

Jurisdiction of other acts, executive orders, and regulations as related to the Magnuson Act; ways to improve performance through amendment of the Act; administrative relief or other alternatives; classification of FMPs under Executive Order 12291 and discussion of approach to development of cost/benefit ratio.

6. Environmental Affairs and Fisheries Development

Role of the regional councils in environmental affairs and fishery development programs; jurisdiction of the councils; need to get involved; general role of the councils in these areas.

7. Reduction of Foreign Fishing in the Fishery Conservation Zone

Phaseout of foreign fishing off the U.S. as provided by the American Fisheries Promotion Act and in the original MFCMA.

8. Fish 'n Chips Policy

Status of the policy, current overtures from foreign governments; summary of decisions made to date, and future of the policy.

9. Joint Venture Status Report

Present joint venture activity; what is a joint venture? future of joint ventures in the American fishing industry; short-term influence, long-term influence—are these influences good or bad?

10. Status Report on U.S. Fishing Industry

Financing problems in the industry for boats, shore plants, operating money

(pack financing); effect of increased fuel costs; quality control of U.S. fishery products. Where is it? Where is it going? Will voluntary progress work or will mandatory quality standards eventually be necessary?

11. Implementation of American Fisheries Promotion Act

Seed funding for an expanded observer program; schedule for expanded observer coverage; foreign fishing phaseout; implementation of the developing aspects of the Act, including Saltonstall-Kennedy monies, use of foreign fishing fees, etc.

12. Review of Previous Council Chairpersons' Meeting—Unfinished Business

A number of business items have been included in the past Chairpersons' meetings where further reports were promised or expected. Those that have not been completed should be reviewed and answered insofar as possible.

Council Executive Directors' Proposed Agenda

The Council Executive Directors will meet with NOAA/NMFS administrators and legal counsel for a general discussion of matters pertaining to the Councils.

DATES: The Council Chairpersons' meeting will convene on Monday, June 22, 1981, at approximately 9 a.m., and will adjourn on Wednesday, June 24, 1981, at approximately 5 p.m., at the Elks Hall, Homer, Alaska. The Council Executive Directors' meetings will convene on Sunday, June 21, 1981, at approximately 1 p.m., and will adjourn at approximately 8 p.m., at the Lands Inn, Homer, Alaska. These meetings may be lengthened or shortened depending upon progress on the agendas.

FOR FURTHER INFORMATION CONTACT:

North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: May 22, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-15950 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

Richard H. Lambertsen; Issuance of Permit To Import Endangered Marine Mammals

On April 8, 1981, Notice was published in the **Federal Register** (46 FR 21052), that an application had been filed with the National Marine Fisheries Service by Dr. Richard H. Lambertsen, Woods Hole, Massachusetts, for a Scientific Research and Scientific Purposes permit to import an unspecified number of specimens from various cetacean species for scientific research.

Notice is hereby given that on May 19, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to Dr. Richard H. Lambertsen subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the suject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: May 19, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15947 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Museum of Natural History, Smithsonian Institution; Issuance of Permit To Import Marine Mammals and Endangered Species

On March 23, 1981, notice was published in the **Federal Register** (46 FR 18065), that an application has been filed with the National Marine Fisheries Service by the National Museum of Natural History, Smithsonian Institution, Washington, D.C. 20560 for a Scientific Research Permit to import specimen material from dugongs and cetaceans including some species listed as endangered.

Notice is hereby given that on May 21, 1981, the National Marine Fisheries Service and the Fish and Wildlife Service jointly issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to the National Museum of Natural History, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

This permit was also issued in accordance with, and is subject to Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits and Part 17 of Title 50 CFR, the Fish and Wildlife Service regulations governing endangered species.

In conjunction with this Permit, the Fish and Wildlife Service has issued a CITES permit to import specimen materials listed on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora subject to Part 23 of Title 50 CFR.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Director, Fish and Wildlife Service, 1717 H Street, NW., Washington, D.C. 20240; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930

Dated: May 21, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15951 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Frequency Management Advisory Council;

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on June 19, 1981, in the Aspen Room at the National Telecommunications and Information Administration, 1325 "G" Street, NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 13th Street and 14th Street, NW.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The agenda items for the meeting will be:

(1) Current developments within NTIA—Mr. Donald M. Jansky, Chairman.

(2) ITU Technical Assistance and Training of Foreign Personnel—Mr. John C. Hansen, NTIA.

(3) Discussion of FMAC Views on the Relationship of the USA with the ITU and on Preparations for the 1982 ITU Plenipotentiary Conference.

(4) Discussion of National Long Range Spectrum Planning.

(5) Any Procedural Business of the Council.

(6) Scheduling of the next meeting.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before June 17, 1981. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 268, 1325 "G" NW., Washington, D.C. 20005, telephone 202-724-3301.

Dated: May 22, 1981.

Cloyd C. Dodson,

Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 81-15969 Filed 5-27-81; 8:45 am]

BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on July 1–2, 1981 at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

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

May 22, 1981.

[FR Doc. 81-15966 Filed 5-27-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Special Education and Rehabilitative Services; Rehabilitation Long-Term Training—Training of Interpreters for Deaf Individuals

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of noncompeting continuation applications for Fiscal Year 1981.

Applications are invited for noncompeting continuation projects under the Training of Interpreters for Deaf Individuals Program.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Awards are made under this program to any public or private non profit agency or organization or postsecondary institution.

The purpose of this program is to train skilled interpreters available for employment in public and private agencies involved in the provision of health, education, welfare, rehabilitation, employment and related services to deaf people.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award must be mailed or hand delivered by July 1, 1981.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.129W, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must

be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: Approximately $900,000 is currently expected to be available for support of noncompeting continuation projects in Fiscal Year 1981. The President has proposed a budget rescission to the Congress that may eliminate part or all of the funds for this program. However, the deadline established in this notice will not be extended, applicants should prepare and submit applications pending further notification.

Application Forms: Application forms and program information packages will be mailed to grantees who have been conducting interpreter training progams during the 1980–1981 academic year and who are eligible to apply for noncompeting continuation grant support under this Notice.

Applications must be prepared and submitted in accordance with the instructions and forms included in the program information package. The Secretary urges that the narrative portion of the application not exceed 15 pages in length. The Secretary also urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

Further Information: Paul R. Ackerman, Acting Deputy Assistant Secretary for External Affairs, OSERS, U.S. Department of Education, Room 3113, Mary E. Switzer Building, 330 C. Street, SW., Washington, D.C. 20201, Telephone: (202) 245–0341.

(Catalog of Federal Domestic Assistance No. 84.129W, Rehabilitation Long-Term Training Program)

Dated: May 18, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-15670 Filed 5-27-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: June 18, 1981.

ADDRESS: The Capital Hilton Hotel, 16th and K Streets NW., Washington, D.C., Executive Club Room, Lobby Level.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council on Vocational Education, in conjunction with the Annual Joint Meeting of National and State Advisory Councils on Vocational Education, is open to the public, and the proposed agenda is as follows:

Thursday, June 18, 1981; 1:00 p.m. to 5:00 p.m.

Discussion of Positions on the Reauthorization of the Vocational Education Act:

—Council of Chief State School Officers
—National School Boards Association
—National Governors' Association
—Council of the Great City Schools

NACVE Committee Reports:

—Legislative
—Federal Programs
—Special Populations
—Technical Assistance

Discussion of NACVE Comprehensive Policy Statement Prior to the Council meeting, the following Committees will meet:

Legislative: Caucus I Room—8:00 to 10:00 a.m.

Discussion of reauthorization issues and drafting preliminary recommendations.

Federal Programs: Caucus I Room—10:00 to Noon

Discussion of vocational education and employment training programs, and impact on reauthorization of the Vocational Education Act.

Special Populations: California Room—10:00 to Noon

Discussion of various issues regarding services to special populations; discussion of possible recommendations from the *Study of Vocational Education in Correctional Institutions.*

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street N.W., Suite 412, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: Viriginia Solt, NACVE Staff, at above address. Telephone (202) 376–8873.

Signed at Washington, D.C., on May 21, 1981.

Raymond C. Parrott,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 81-15622 Filed 5-27-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81–24–NG]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Application for Authorization to Import Natural Gas From Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on April 22, 1981, of an application from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for authorization to import natural gas from Canada. Tennessee proposes to purchase and import up to 300,000 Mcf of natural gas per day from TransCanada Pipelines Limited

(TransCanada) pursuant to the terms of two Precedent Agreements and Gas Purchase Contracts. This first agreement provides for the sale and purchase of up to 100,000 Mcfd, with deliveries commencing on November 1, 1981, or as soon as possible thereafter, for an initial period of five years, and an option to extend the contract for an additional five year period, subject to agreement by buyer and seller. The second agreement provides for the sale and purchase of up to 200,000 Mcfd, with deliveries commencing on November 1, 1982, or as soon as possible thereafter, and a contract term consisting of a single ten-year period. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before June 29, 1981.

FOR FURTHER INFORMATION CONTACT:

John W. Glynn or C. Eric Hager (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG-55, Washington, D.C. 20461 (202) 653-3286

Sue D. Sheridan (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 5E-074, GC-15, Washington, D.C.20585 (202) 252-2900.

SUPPLEMENTARY INFORMATION: Under its two agreements with TransCanada, Tennessee will be entitled to purchase a total daily quantity of 300,000 Mcf of natural gas for resale. With respect to the 100,000 Mcfd contract, the natural gas will be delivered to Tennessee at the international border near Niagara Falls, New York. The 200,000 Mcfd contract authorizes the delivery of natural gas to other points along the international border in addition to the Niagara Falls location. Both contracts provide that TransCanada may, in its sole discretion and on a best efforts basis, sell to Tennessee such volumes of gas in excess of its daily contract quantities, but under no circumstances can the volumes sold exceed the total contract quantities.

The primary term of the natural gas purchase contract of 100,000 Mcfd is five years (November 1, 1981 thru October 31, 1986), with an optional give year extension to October 31, 1991, pending agreement between the seller and buyer on or before May 1, 1985. The primary term of the 200,000 Mcfd contract is ten years from the date deliveries commerce. Both contracts have provisions allowing an additional year for the delivery of contract quantities of gas not delivered during the primary contract term.

Each contract provides that the gas will be sold at the international border price established by the National Energy Board of Canada (NEB) for natural gas exports, currently U.S. $4.94 per MMBtu. Both contracts require Tennessee to take and pay for, or nevertheless pay for, an annual quantity of gas equal to seventy-five percent (75%) of the total daily contract quantity (300,000 Mcf) times the number of days in the contract year, less any volumes requested by Tennessee, but not delivered by TransCanada.

Tennessee will own and operate all facilities needed to provide transportation of the imported natural gas. Tennessee is also filing at this time a related application with the Federal Energy Regulatory Commission (FERC) requesting authority to construct and operate additional facilities needed for receipt and marketing of the volumes of gas proposed to be imported.

Tennessee cites several bases for requesting the authority to import natural gas from Canada, including supportive market data and analysis. Among the specific reasons listed by Tennessee are the firm's past inability to meet its customer requirements, the expectation that its supply deficiencies will continue throughout the proposed import term, and the need for additional supplies to enable Tennessee to meet winter peak day and seasonal demands and thereby minimize its customers' reliance on imported fuel oil.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make a protest with reference to the petitions should file a protest with the ERA. All protests filed with ERA will be considered in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

All petitions or protests are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-55, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., June 29, 1981.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of Tennessee's petition is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 20, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-15819 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreements for Cooperation Between the Government of the United States of America and the Governments of Canada and Portugal Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of contractual arrangements for supply of materials as follows:

Contract Number S-EU-688, for 10 milligrams of uranium, enriched to 99.68% in U-236, for use as a standard for mass spectrometry for the study of rock chronology at the Office des Rayonnements Ionisants, France.

Contract Number S-CA-308, for 10 milligrams of thorium-230, for use in the mass spectrometric analysis of thorium-uranium oxide fuels from CANDU and research reactors by Atomic Energy of Canada, Ltd.

Contract Number S-PO-6, for 100 milligrams of uranium, enriched to 99.9% in U-235, to be used for determination of isotopic composition of uranium samples by the Laboratorio Nacional de Engenheria y Tecnologia Industrial, Portugal.

Contract Number S-PO-7, for 1 milligram of uranium-233, to be used for determination of uranium in organo-compounds by the Laboratorio

Nacional de Engenheria y Tecnologia Industrial, Portugal.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 21, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-15818 Filed 5-27-81 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981.

JD NO	JA DKT	API NO	SEC C WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION						
-ADAIR OIL CO			RECEIVED: 04/29/81 JA: KS			
8128106	K 81-0083	1502500000 108	YORK B #1	SITKA	17.5	NORTHERN NATURAL GAS
-AMOCO PRODUCTION CO			RECEIVED: 04/29/81 JA: KS			
8128005	K 80-0860	1508120187 103	SEVER GAS UNIT NO 2	PANOMA	72.4	CITIES SERVICE GAS C
-AMOCO PRODUCTION CO			RECEIVED: 04/30/81 JA: KS			
8128121	K 81-0223	1505520407 103	CRAWFORD GAS UNIT A NO 3	PANOMA	44.0	CITIES SERVICE GAS C
8128155	K 81-0267	1517520457 103	EDNA SCOTT NO 3	LEMERT	124.6	ANADARKO PRODUCTION
8128126	K 81-0224	1508120176 103	HARRIET HOFFMANN NO 2	LEMON NW	17.5	NORTHERN NATURAL GAS
8128122	K 81-0222	1509320701 103	ROHLMAN GAS UNIT A /CG/ NO 2	PANOMA - COUNCIL GROVE	36.0	CITIES SERVICE GAS C
8128119	K 81-0225	1508120156 103	TATON GAS UNIT NO 2	PANOMA COUNCIL GROVE	44.0	CITIES SERVICE GAS C
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/29/81 JA: KS			
8128004	K 80-1087	1512920448 102	GREGG D NO 1	WILBURTON	883.0	PANHANDLE EASTERN PI
8128043	81-0024	1512920469 103	INTERSTATE C NO 1	INTERSTATE	13.0	PANHANDLE EASTERN PI
8128105	K 81-0079	1512920454 103	INTERSTATE F NO 3	INTERSTATE	15.0	PANHANDLE EASTERN PI
8128110	K 81-0078	1512920455 103	INTERSTATE F NO 4	INTERSTATE	22.0	PANHANDLE EASTERN PI
8128019	K81-0200	1512920404 103	INTERSTATE G NO 4	INTERSTATE	42.0	PANHANDLE EASTERN PI
8128111	K 81-0077	1512920473 103	INTERSTATE NO 14	INTERSTATE	25.0	PANHANDLE EASTERN PI
8127978	K 81-0091	1518920519 103	JENKINS B NO 1	PANOMA COUNCIL GROVE	34.0	PANHANDLE EASTERN PI
8128084	K 81-0099	1512920485 103	LIGHT J NO 1	PANOMA	37.0	PANHANDLE EASTERN PI
8128068	K-81-0218	1512920465 103	LINSCOTT A NO 4	INTERSTATE	60.0	PANHANDLE EASTERN PI
8128047	K-81-0168	1512920466 103	LINSCOTT B NO 4	INTERSTATE	110.0	PANHANDLE EASTERN PI
8127994	K 81-0209	1512920467 103	LINSCOTT B NO 5	INTERSTATE	10.0	PANHANDLE EASTERN PI
8128001	K 81-0075	1518920420 108	SMITH N NO 1	GENTZLER	14.0	PANHANDLE EASTERN PI
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/30/81 JA: KS			
8128144	K 81-0229	1512920470 103	INTERSTATE C NO 12	INTERSTATE	18.0	PANHANDLE EASTERN PI
8128124	K 81-0219	1512920483 103	KNELLER F NO 1	PANOMA COUNCIL GROVE	37.0	CIMARRON-QUINQUE A D
8128123	K 81-02200	1512920487 103	KNELLER G NO 1	PANOMA COUNCIL GROVE	37.0	CIMARRON-QUINQUE A D
-AURORA INC			RECEIVED: 04/30/81 JA: KS			
8128132	K 81-0193	1504720724 103	SHANNON ESTATE WELL NO 1	EAST MCCLANAHAN	110.0	NORTHERN NATURAL GAS
-BARTLING OIL CO			RECEIVED: 04/29/81 JA: KS			
8128041	K 81-0033	1507120209 103	#1 WATSON FARMS	BYERLY	80.0	SUNFLOWER ELECTRIC C
-BENSON MINERAL GROUP			RECEIVED: 04/29/81 JA: KS			
8128065	K 79-1857	1512522152 108	COTHER #4-29	JEFFERSON - SYCAMORE	18.9	UNION GAS SYSTEMS IN
8127985	K 81-0181	1504720775 102	GALLUP #2-9	WIL	0.0	PANHANDLE EASTERN PI
8127981	K 81-0136	1514520701 102	LEWIS #1-10	BRYANT	365.0	NORTHERN NATURAL GAS
8128028	K 81-0182	1514520726 102	MOE #1-15	BRYANT	168.3	NORTHERN NATURAL GAS
8128015	K80-0524	1503522022 108	OLMSTEAD #1-1	WALNUT BEND	14.6	COLONIAL CORP
8128016	K80-0523	1503522123 108	OLMSTEAD #2-1	WALNUT BEND	14.6	COLONIAL CORP
8128064	K 79-1960	1512521985 108	ROBERTS #1-31	JEFFERSON - SYCAMORE	4.7	UNION GAS SYSTEMS IN
8128100	K 81-0130	1504720711 102	SCHULTZ F #1-15	WIL EXTENSION	0.0	PANHANDLE EASTERN PI
8127982	K 81-0135	1514520702 102	SMITH #1-13	BRYANT	985.5	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127980	K 81-0137	1514520736	102		THOMPSON A #1-16	BRYANT	365.0	NORTHERN NATURAL GAS
8128063	K 79-1978	1512522145	108		WALLACE #1-24	JEFFERSON - SYCAMORE	5.1	UNION GAS SYSTEMS IN
8128061	K 80-0522	1503522117	108		WALTON #1-1	WALNUT BEND	2.9	COLONIAL CORP
8128062	K 80-0521	1503522118	108		WALTON #2-1	WALNUT BEND	2.9	COLONIAL CORP
-BENSON MINERAL GROUP					RECEIVED: 04/30/81 JA: KS			
8128163	K 81-0244	1514520724	102		BATCHMAN #1-10	BRYANT	113.9	NORTHERN NATURAL GAS
-BEREN CORPORATION					RECEIVED: 04/30/81 JA: KS			
8128138	K 81-0239	1500720871	103		BLACKSTOCK #5	HARDTNER	10.9	KANSAS GAS SUPPLY CO
8128162	K 81-0243	1507720625	103		DRAKE #1	SPIVEY GRABS	6.2	KANSAS GAS SUPPLY CO
-BLAIK OIL COMPANY					RECEIVED: 04/30/81 JA: KS			
8128139	K 81-0238	1511920070	108		MERKLE #1	ADAMS RANCH	16.0	COLORADO INTERSTATE
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/29/81 JA: KS			
8128031	K 81-0175	1500700000	108		DAVIS RANCH V NO 1	AETNA	1.0	CITIES SERVICE GAS C
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/30/81 JA: KS			
8128133	K 81-0192	1505520356	103		GARDEN C-10	PANOMA	200.0	KANSAS NEBRASKA NATU
8128134	K 81-0191	1509320458	103		UNREIN NO 2	PANOMA	21.0	KANSAS NEBRASKA NATU
-CITIES SERVICE COMPANY					RECEIVED: 04/29/81 JA: KS			
8127992	K 81-0277	1512920449	102		HARMAN B NO 1	WINTER MIDDLE MORROW OIL	14.0	
8127991	K 81-278	1512920479	102		HARMAN B NO 2	NORTH WINTER	11.0	
8128103	K 81-0228	1512920464	102		WEATHERFORD B NO 1	WINTER MIDDLE MORROW OIL	51.0	
8127993	K 81-0276	1512920492	102		WEATHERFORD C-2	WINTER MIDDLE MORROW OIL	100.0	
-CLARKE CORP					RECEIVED: 04/29/81 JA: KS			
8128080	K 81-0103	1500700000	108		CD WILLIAMS #1	RHODES	11.0	CITIES SERVICE GAS C
8128081	K 81-0102	1500700000	108		EARLYA #1	RHODES	9.0	CITIES SERVICE GAS C
8128078	K 81-0105	1500700000	108		GEHLEN #1	MCGUIRE - GOEMANN	8.0	CITIES SERVICE GAS C
8128077	K 81-0106	1500700000	108		GRAVES UNIT #2	HARDTNER	16.0	CITIES SERVICE GAS C
-CONTINENTAL ENERGY					RECEIVED: 04/29/81 JA: KS			
8128097	K 81-0085	1509300000	108		GRAY #1	HUGOTON	17.2	NORTHERN NATURAL GAS
8128096	K 81-0086	1505500000	108		MARTZ #1	GUGOTON	8.9	NORTHERN NATURAL GAS
8128095	K 81-0087	1505500000	108		TREKELL #2	HUGOTON	6.2	NORTHERN NATURAL GAS
-COOT OIL CO					RECEIVED: 04/29/81 JA: KS			
8128079	K 81-0104	1500720312	108		CLINE-MILLS #1	DEGEER - AE	12.0	CITIES SERVICE GAS C
-DNB DRILLING INC					RECEIVED: 04/29/81 JA: KS			
8127989	K 81-282	1507100000	103		RAUCH #1	BYERLY	109.5	
-DOME PETROLEUM CORP					RECEIVED: 04/29/81 JA: KS			
8128056	K 79-1861	1507520272	103		SIMMONDS #1	BRADSHAW	135.0	SUNFLOWER ELECTRIC C
8128055	K 79-1860	1507520241	103		WELTON #1	BRADSHAW	30.6	SUNFLOWER ELECTRIC C
8128054	K 79-1862	1507520289	103		WOOD #4	BRADSHAW	443.8	SUNFLOWER ELECTRIC C
-DONALD C GREEN & ELOISE S WALKER					RECEIVED: 04/29/81 JA: KS			
8128067	K 79-1290	1512500000	108		STEWART #2	JEFFERSON-SYCAMORE	7.3	BENSON MINERAL GROUP
8128066	K 79-1292	1512500000	108		STEWART #3	JEFFERSON-SYCAMORE	7.3	BENSON MINERAL GROUP
-EARL M KNIGHTON					RECEIVED: 04/29/81 JA: KS			
8128102	K 81-0227	1515120831	103		HEALY NO 1	PRATT	127.8	CENTRAL STATES GAS C
-EARL M KNIGHTON					RECEIVED: 04/30/81 JA: KS			
8128143	K 81-0230	1518500000	108		KIPP 2A	KIPP	16.4	CENTRAL STATES GAS C
-EARL M KNIGHTON OIL & GAS PROPERTIE					RECEIVED: 04/30/81 JA: KS			
8128142	K 81-0231	1518521007	103		KIPP NO 3A	KIPP	12.8	CENTRAL STATES GAS C
-EDMISTON OIL CO INC					RECEIVED: 04/29/81 JA: KS			
8127975	K 81-0094	1500720824	103		HARDTNER #1	HARDTNER	12.0	KANSAS GAS SUPPLY CO
8127972	K 81-0097	1500720721	103		HASKARD D #1	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8128085	K 81-0098	1500720724	103		HASKARD D #2	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8127973	K 81-0096	1500720767	103		HASKARD D #3	HARDTNER	7.2	KANSAS GAS SUPPLY CO

JD NO	JA JKT	API NO	SEC	T	R	WELL NAME	FIELD NAME	PROD	PURCHASER
8127974	K 81-0095	1500720869	103			HASKARD D #4	HARDTNER	7.2	KANSAS GAS SUPPLY CO
8128046	K 81-0169	1500700000	108			MCGUIRE #1	RHODES N E	8.0	CITIES SERVICE GAS C
8127977	K 81-0092	1500720859	103			PIERSALL #1	HARDTNER	12.0	KANSAS GAS SUPPLY CO
8127976	K 81-0093	1500720866	103			PLATT #1	HARDTNER	12.0	KANSAS GAS SUPPLY CO
-ELDON J SCHIERLING						RECEIVED: 04/29/81 JA: KS			
8128116	K 81-0148	1507720607	103			OSCAR SMITH #1	WC	60.0	PEOPLES NAT GAS
-F & M OIL CO INC						RECEIVED: 04/30/81 JA: KS			
8128137	K 81-0188	1515520506	102			ELWARD #2	ELWARD	30.0	PANHANDLE EASTERNPIP
-F G HOLL						RECEIVED: 04/29/81 JA: KS			
8127971	K 81-0139	1504720697	103			CUDNEY A NO 3-4	WIL	270.0	CENTRAL STATES GAS C
8127979	K 81-0138	1504720670	103			MAYHEW A NO 2-4	WIL	80.0	CENTRAL STATES GAS C
8128104	K 81-0157	1504720682	102			TWITCHELL NO 1-2	MASSEY	150.0	NORTHERN NATURAL GAS
-FOURTH NATL BANK & TRUST FOR BEN F						RECEIVED: 04/30/81 JA: KS			
8128136	K 81-0189	1500700000	108			BAIER - BOWMAN #1	AETNA	12.0	CITIES SERVICE GAS C
-FRENCH & WINTERSCHEID INC						RECEIVED: 04/30/81 JA: KS			
8128156	K 81-0266A	1503120759	103			BEYER #1	BEYER	25.0	PHILLIPS PETROLEUM C
-GATOR OIL CO						RECEIVED: 04/29/81 JA: KS			
8128113	K 81-0151	1512522273	102			MCCONNELL EAST #1	JEFFERSON SYCAMORE	912.5	UNION GAS SYSTEMS IN
8128112	K 81-0152	1512522274	102			MCCONNELL EAST #2	JEFFERSON SYCAMORE	912.5	UNION GAS SYSTEMS IN
8128114	K 81-0150	1512522275	102			MCCONNELL EAST #3	JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
8128052	K 81-0153	1512522276	102			MCCONNELL EAST #4	JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
8128115	K 81-0149	1512521900	102			MCCONNELL NORTH B-2	JEFFERSON/SYCAMORE	912.5	UNION GAS SYSTEMS IN
-GEORGE A ANGLE						RECEIVED: 04/29/81 JA: KS			
8128101	K 81-0129	1516500000	108			ROTHE #1	REICHEL	20.0	KANSAS-NEBRAKSA NATU
-GRAHAM-MICHAELIS CORP						RECEIVED: 04/29/81 JA: KS			
8128076	K 81-01007	1511900000	108			ADAMS D #2	ADAMS RANCH	18.0	COLORADO INTERSTATE
-GRAVES DRILLING CO INC						RECEIVED: 04/29/81 JA: KS			
8128086	K 81-0187	1500721017	103			GIBSON NO 1	BLOOMER	21.6	CITIES SERVICE GAS
-GRAVES DRILLING CO INC						RECEIVED: 04/30/81 JA: KS			
8128140	K 81-0237	1507720562	103			WARREN NO 1	SPIVEY - GRABS	18.0	CITIES SERVICE CO
-GULF OIL CORPORATION						RECEIVED: 04/30/81 JA: KS			
8128146	K 81-0264	1500721038	103			SCHOOL TRUST #4-4	HARDTNER	53.0	CITIES SERVICE GAS C
-HAROLD J MILBURN						RECEIVED: 04/29/81 JA: KS			
8128083	K 81-0100	1507920495	103			ADRIAN #I	BURRTON NORTHEAST	20.0	PEOPLES NATURAL GAS
-HAWKINS OIL & GAS INC						RECEIVED: 04/30/81 JA: KS			
8128141	K 81-0232	1500721024	103			MONTGOMERY #1-26		72.0	PEOPLES NATURAL GAS
-HELMERICH & PAYNE INC						RECEIVED: 04/29/81 JA: KS			
8128051	K 81-0163	1508100000	108			YOUNT NO 1	HUGOTON 337687	12.0	CITIES SERVICE GAS C
-IMPERIAL OIL COMPANY						RECEIVED: 04/30/81 JA: KS			
8128164	K 81-0073	1504720772	102			ROENBAUCH #6-27	MULL	730.0	KANSAS-NEBRASKA NATU
-INTERNORTH INC						RECEIVED: 04/29/81 JA: KS			
8128092	K 81-0090	1502520208	103			THEIS W #1-5	MCKINNEY	90.0	INTERNORTH INC
8128093	K 81-0089	1502520191	103			THEIS W 1-9	MCKINNEY	112.0	INTERNORTH INC
-J MARK RICHARDSON						RECEIVED: 04/29/81 JA: KS			
8128034	K 81-0172	1509720420	103			CATE #1	FRALICK W	20.0	PANHANDLE EASTERN PI
8128045	K 81-0170	1509720604	103			ELLER B #2	ALFORD	500.0	KANSAS GAS SUPPLY CO
8128088	K 81-0183	1509720448	108			NELSON #2	FRALICK SOUTH	10.0	PANHANDLE EASTERN PI
8128044	K 81-0171	1509720560	103			WHEELER #1-C	ALFORD EXT	200.0	KANSAS GAS SUPPLY CO
8128033	K 81-0173	1509720550	103			WHEELER B #1	ALFORD	400.0	KANSAS GAS SUPPLY CO
-J-W OPERATING COMPANY						RECEIVED: 04/29/81 JA: KS			
8128030	K 81-0176	1502320151	102			A ZWEYGARDT #6	CHERRY CREEK	72.3	CITIES SERVICE GAS C
8127988	K 81-0178	1502320138	102			J CULWELL #1	CHERRY CREEK	29.2	CITIES SERVICE GAS C

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8128029	K 81-0177	1502320143	102		ROBERT WALTER A-4	CHERRY CREEK	2.9	CITIES SERVICE GAS C
8127987	K 81-0179	1502320130	102		RUDOLPH WALTER #7	CHERRY CREEK	16.1	CITIES SERVICE GAS C
-KANSAS OIL CORP					RECEIVED: 04/30/81 JA: KS			
8128145	K 81-0266	1500720841	103		PROUSE NO 1	AETNA MISSISSIPPI GAS PO	126.0	CITIES SERVICE GAS C
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 04/29/81 JA: KS			
8128048	K 81-0167	1509320963	103		LEE 12-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
8128049	K 81-0166	1509320652	103		LEE 26-2	PANOMA-COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
8128003	K 80-1098	1509320671	103		WIATT 1-2	PANOMA COUNCIL GROVE	87.0	KANSAS-NEBRASKA NATU
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 04/30/81 JA: KS			
8128166	K 81-0070	1507500000	108		0620-A GOULD #1	BRADSHAW	22.0	
-KBW OIL & GAS CO					RECEIVED: 04/29/81 JA: KS			
8128032	K 81-0174	1500720987	103		PLATT NO 2		36.0	KANSAS GAS SUPPLY CO
-KENNETH LUFF INC					RECEIVED: 04/29/81 JA: KS			
8127984	K 81-0133	1511920146	108		NO 1 MOHLER	ADAMS RANCH	8.0	COLORADO INTERSTATE
-LEBEN OIL CORP					RECEIVED: 04/29/81 JA: KS			
8128002	K 81-0074	1511920081	108		KOEHN #1	STEVENS	14.0	PANHANDLE EASTERN PI
-LEE BANKS					RECEIVED: 04/29/81 JA: KS			
8128005	K 80-1030	1505720146	108		FLETCHER #1	PLEASANT VALLEY	12.8	NORTHERN NATURAL GAS
-LEEMAN ENERGY CORP					RECEIVED: 04/29/81 JA: KS			
8128038	81-0257	1509720685	103		ROBBINS RANCH #2-22A		91.0	KANSAS GAS SUPPLY CO
-LIEBL - SCHIERLING					RECEIVED: 04/29/81 JA: KS			
8128117	K 81-0147	1509500000	103		ALTA #1		100.0	CENTRAL STATES GAS C
-MAY PETROLEUM INC					RECEIVED: 04/30/81 JA: KS			
8128154	K 81-0268	1500720959	103		STERNBERGER #1	AETNA GAS AREA	274.0	KANSAS GAS SUPPLY CO
-MCCOY PETROLEUM CORP					RECEIVED: 04/29/81 JA: KS			
*8128006	K 80-1006	1509520965	103		DIRKS B #1	SPIVEY-GRABS	75.0	NORTHERN NATURAL GAS
*8128007	K 80-1005	1509520971	103		WESTERMAN A #1	SPIVEY-GRABS	100.0	NORTHERN NATURAL GAS
-MCKELVY OPERATING CORP					RECEIVED: 04/29/81 JA: KS			
8127995	K 81-0208	1505500000	108		GANO #35	HUGOTON	16.0	NORTHERN NATURAL GAS
8127996	K 81-0207	1505500000	108		HARMS #6	HUGOTON	0.0	CITIES SERVICE GAS C
8127997	K 81-0206	1505500000	108		R GREATHOUSE #1	HUGOTON	6.0	NORTHERN NATURAL GAS
-MESA PETROLEUM					RECEIVED: 04/29/81 JA: KS			
8128091	K 80-0613	1511920388	102		ADAMS #4-18	CIMMARON BEND	20.0	KANSAS POWER & LIGHT
8128008	K 80-0986	1506720577	103		J E NOVOTNY 2-35	PANOMA COUNCIL GROVE	60.0	CITIES SERVICE GAS C
-MOBIL OIL CORP					RECEIVED: 04/29/81 JA: KS			
8128059	K 81-0251	1509320668	103		H G WITT UNIT NO 1	PANOMA	70.0	CITIES SERVICE GAS C
8128058	K 81-0252	1512920430	103		L T JOHNSON UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8128057	K 81-0253	1518920507	103		STELLA I SIMPSON UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-MOBIL OIL CORP					RECEIVED: 04/30/81 JA: KS			
8128161	K 81-0245	1509320663	103		FRANK BLESS UNIT NO 1	PANOMA	70.0	CITIES SERVICE GAS C
8128160	K 81-0246	1518920506	103		SHERWOOD-WINTER UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 04/29/81 JA: KS			
8128060	K 81-0250	1518920508	103		HARRISON UNIT NO 2	PANOMA	70.0	NORTHERN NATURAL GAS
8128053	K 81-0254	1518920518	103		LEMERT UNIT NO 3	PANOMA	70.0	NORTHERN NATURAL GAS
8128040	K 81-0255	1518920526	103		LOUIS BROIDO UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-NORTHERN NATURAL GAS PRODUCING CO					RECEIVED: 04/30/81 JA: KS			
8128158	K 81-0248	1518920525	103		ARTHUR TAYLOR UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
8128159	K 81-0247	1518920524	103		N J MADDEN UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
8128157	K 81-0249	1518920523	103		THOMAS T HOLT UNIT NO 1	PANOMA	70.0	NORTHERN NATURAL GAS
-PAN EASTERN EXPLORATION COMPANY					RECEIVED: 04/29/81 JA: KS			
8128000	K 81-0076	1512900000	108		DAVIS #1-3	HUGOTON	18.0	PANHANDLE EASTERN PI
8128094	K 81-0088	1512900000	108		EAGLEY #1-2	HUGOTON	18.0	PANHANDLE EASTERN PI

JD NO	JA PET	API NO	SEC	T	R	WELL NAME	FIELD NAME	PROD	PURCHASER
-PAN EASTERN EXPLORATION COMPANY						RECEIVED: 04/30/81 JA: KS			
8128165	K 81-0072	1517500000	108			HARNDEN #1-34	HUGOTON	18.0	PANHANDLE EASTERN PI
-PETROLEUM ENTERPRISES						RECEIVED: 04/29/81 JA: KS			
8128012	K80-0636	1503521811	108			CHAPIN #1	POSEY	0.5	COLONIAL CORP
8128011	K80-0637	1503522225	108			CHAPIN #2	POSEY	1.0	COLONIAL CORP
8128014	K80-0629	1503502180	108			HITTLE #1	POSEY	4.5	COLONIAL CORP
8128013	K80-0633	1503522162	108			MABEL #1	POSEY	3.6	COLONIAL CORP
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 04/29/81 JA: KS			
8128018	K81-0202	1508700000	108			GILBERT AB #1	GILBERT	3.9	KANSAS POWER & LIGHT
8128073	K 81-0211	1507920432	103			GOERING B #1	HARMAC	328.0	
8128098	K 81-0132	1511900000	108			HERMAN A #1	STEVENS MORROW	14.0	PANHANDLE EASTERN PI
8128071	K 81-0213	1507700000	108			PILLAR A #2	SPIVEY - GRABS	9.0	KANSAS POWER & LIGHT
8128072	K 81-0212	1507920384	108			SCHRAG A #1	HARMAC	14.3	PHILLIPS PIPELINE CO
8127998	K 81-0205	1507920426	103			SCHRAG B #1	HARMAC	152.0	
8128017	K81-0203	1507920427	103			SCHRAG C #1	HARMAC	255.0	
8127999	K 81-0204	1507020424	103			WEDEL A #1	HARMAC	154.0	
-RANGE OIL COMPANY INC						RECEIVED: 04/29/81 JA: KS			
8128105	K 81-0084	1503522657	102			MOSLER #1	WILDCAT	118.6	CITIES SERVICE GAS C
-RAYMOND OIL COMPANY INC						RECEIVED: 04/29/81 JA: KS			
8128026	K80-0693	1509520920	103			BERRY NO 1	SPIVEY GRABS	15.0	
-RESOURCES INVESTMENT CORPORATION						RECEIVED: 04/29/81 JA: KS			
8128039	K 81-0256	1502520071	108			BERAS G003	MCKINNEY	17.4	NORTHERN NATURAL GAS
-RINCON OPERATING CO						RECEIVED: 04/30/81 JA: KS			
8128168	K 81-0047	1517520481	103			WHITNEY #1 API 15-175-20481	HUGOTON (MORROW)	200.0	COLORADO INTERSTATE
-RINE DRILLING CO						RECEIVED: 04/29/81 JA: KS			
8127986	K 81-0180	1502520335	103			BARBY #2-21	SNAKE CREEK - BARBY #2-2	128.0	NORTHERN NATURAL GAS
8128089	K 81-0280	1502520425	102			BARBY #3-21	SNAKE CREEK - BARBY #3-2	11.0	NORTHERN NATURAL GAS
-RINE DRILLING CO						RECEIVED: 04/30/81 JA: KS			
8128126	K 81-0128	1502520395	103			SHUPE-HARPER #1-15-A	SNAKE CREEK - SHUPE-HARP	128.0	NORTHERN NATURAL GAS
-SOUTHLAND ROYALTY CO						RECEIVED: 04/29/81 JA: KS			
8127990	K 81-0279	1511920378	103			ADAMS 6-11	CIMARRON BEND	91.0	COLORADO INTERSTATE
8128070	K 81-0215	1506720583	103			SULLIVAN 1-26A	HUGOTON	320.0	PANHANDLE EASTERN PI
-SOUTHLAND ROYALTY CO						RECEIVED: 04/30/81 JA: KS			
8128125	K 81-0226	1518920419	103			MAHONEY #1-2		75.0	NORTHERN NATURAL GAS
-STERLING DRILLING & PROD CO INC						RECEIVED: 04/30/81 JA: KS			
8128129	K 81-0111	1505320447	102			MALIR #1	GRUBB EXT	180.0	GARFIELD GAS GATHERI
8128130	K 81-0110	1505320280	102			NIENKE #1	GRUBB	180.0	GARFIELD GAS GATHERI
8128131	K 81-0109	1505320312	102			THIELEN #1	GRUBB	180.0	GARFIELD GAS GATHERI
-TENNECO OIL COMPANY						RECEIVED: 04/30/81 JA: KS			
8128128	K 81-0116	1519121110	102			STRUNK 1-29		36.0	
-TEXAS ENERGIES INC						RECEIVED: 04/29/81 JA: KS			
8128050	K 81-0165	1515120774	103			COMBS NO 1	SAWYER	7.3	CENTRAL STATES GAS C
-TEXAS OIL & GAS CORP						RECEIVED: 04/29/81 JA: KS			
8128082	K 81-0101	1509720655	103			FANKHAUSER D #1	WELLSFORD	73.0	PANHANDLE EASTERN
8128075	K 81-0108	1505720189	103			KIRKPATRICK 2X	PLEASANT VALLEY	255.5	DELHI CORP
8128090	K 81-0185	1500721049	102			WALKER F #2	UNNAMED	146.0	DELHI
-THE MAURICE L BROWN COMPANY						RECEIVED: 04/29/81 JA: KS			
8128107	K 81-0082	1517120147	108			GLADYS MARTIN #1		16.0	KANSAS-NEBRASKA NATU
8128108	K 81-0081	1509720639	103			YOST #1	ALFORD EXTENSION	182.0	KANSAS GAS SUPPLY
-TOMLINSON OIL CO INC						RECEIVED: 04/30/81 JA: KS			
8128135	K 81-0190	1518520422	108			HARKNESS #5	MACKSVILLE	11.0	KANSAS NEBRASKA NATU
-TRIGG DRILLING COMPANY INC						RECEIVED: 04/29/81 JA: KS			

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8128042	K 81-0028	1502520339	103		EWY 1-36		40.0	NORTHERN NATURAL GAS
-VINCENT OIL CORP			RECEIVED: 04/29/81 JA: KS					
8128024	K81-0194	1507920492	103		OLS UNIT #1	EXT/BURTON NE	20.0	PEOPLES NATURAL GAS
8128069	K 81-0216	1515120756	102		FRUIT #2	FRUIT	22.4	PANHANDLE EASTERN PI
8128087	K 81-0186	1500721014	103		LANDWEHR #1	EXT/SHARON N W	0.0	CITIES SERVICE GAS C
8128074	K 81-0210	1500720924	103		MCGUIRE #1	MCGUIRE-GOEMANN EXT	40.0	PANHANDLE EASTERN PI
8128023	K81-0195	1507920487	103		SEEDLE #1	EXT/BURRTON N/E	80.0	PEOPLES NATURAL GAS
-W R ALLAM			RECEIVED: 04/29/81 JA: KS					
8128022	K 81-0196	1507900000	103		EVELYN DICK #2	NORTH BURRTON	109.5	PEOPLES NATURAL GAS
-W R MURFIN D/B/A MURFIN DRILLING CO			RECEIVED: 04/29/81 JA: KS					
8128025	K80-0697	1502320060	108		DAMKROGER #1-6 GAS UNIT	CHERRY CREEK	18.0	PEOPLES NATURAL GAS
8128010	K 80-0685	1502320029	108		LEACH #1-29 GAS UNIT	CHERRY CREEK	11.0	PEOPLES NATURAL GAS
8128027	K 80-0686	1502321061	108		NELLIE JENKINS #1-31 GAS UNIT	CHERRY CREEK	13.0	PEOPLES NATURAL GAS
-WAYMAN W BUCHANAN			RECEIVED: 04/29/81 JA: KS					
8127983	K 81-0134	1507120169	103		ROSS NO 1	WILDCAT	109.5	SUNFLOWER ELECTRIC C
8128099	K 81-0131	1507120172	103		ROSS NO 2	WILDCAT	109.5	SUNFLOWER ELECTRIC C
-WAYMAN W BUCHANAN			RECEIVED: 04/30/81 JA: KS					
8128127	K 81-0127	1507120168	103		BRUNSWIG A #1	NORTH BYERLY	182.5	SUNFLOWER ELECTRIC C
-WELLS ENERGY CO			RECEIVED: 04/29/81 JA: KS					
8128021	K81-0197	1505720167	103		VICE WELL #1	PLEASANT VALLEY FIELD	183.0	KANSAS GAS SUPPLY CO
8128020	K81-0198	1505720184	103		VICE WELL #2	PLEASANT VALLEY FIELD	365.0	KANSAS GAS SUPPLY CO
-WELLS-BATTELSTEIN OIL & GAS INC			RECEIVED: 04/29/81 JA: KS					
8128037	K 81-0258	1501921958	103		OKLA LAND & CATTLE CO (E RANCH) #10	PERU SEDAN	0.0	COOKSON HILLS GAS CO
8128035	K 81-0260	1501921989	103		OKLA LAND & CATTLE CO (E RANCH) #5	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8127970	K-81-0141	1501921950	103		OKLA LAND & CATTLE CO (E RANCH) #6	PERU SEDAN	18.0	COOKSON HILLS GAS CO
8128036	K 81-0259	1501921991	103		OKLA LAND & CATTLE CO (E RANCH) #7	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8127968	K 81-0143	1501921841	103		OKLA LAND & CATTLE CO #1A	COOKSON HILLS	0.0	COOKSON HILLS GAS CO
8127966	K-81-0145	1501921851	103		OKLA LAND & CATTLE CO #1B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8127969	K 81-0142	1501921861	103		OKLA LAND & CATTLE CO #11B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8128118	K 81-0146	1501921853	103		OKLA LAND & CATTLE CO #3B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
8127967	K 81-144	1501921857	103		OKLA LAND & CATTLE CO #7B	COOKSON HILLS	18.0	COOKSON HILLS GAS CO
-WELLS-BATTELSTEIN OIL & GAS INC			RECEIVED: 04/30/81 JA: KS					
8128153	K 81-0269	1501922110	103		BOLLN #20	COOKSON HILLS	18.5	COOKSON HILLS GAS CO
8128152	K 81-0270	1501922103	103		BOLLN #6	COOKSON HILLS	11.0	COOKSON HILLS GAS CO
8128147	K 81-0263	1501922036	103		OKLA LAND & CATTLE CO (E RANCH) #14	PERU SEDAN	14.6	COOKSON HILLS GAS CO
8128149	K 81-0261	1501921992	103		OKLA LAND & CATTLE CO (E RANCH) #8	PERU SEDAN	9.1	COOKSON HILLS GAS CO
8128148	K 81-0262	1501921993	103		OKLA LAND & CATTLE CO (E RANCH) #9	PERU SEDAN	5.5	COOKSON HILLS GAS CO
8128150	K 81-0272	1501921960	103		WALTER MOORE #27	PERU SEDAN	5.5	COOKSON HILLS GAS CO
8128151	K 81-0271	1501921961	103		WALTER MOORE WELL #28	PERU SEDAN	5.5	COOKSON HILLS GAS CO
-WOOLSEY PETROLEUM CORP			RECEIVED: 04/30/81 JA: KS					
8128167	K 81-0069	1505520333	103		#1 MORRIS	HUGOTON FIELD	24.5	KANSAS NEBRASKA NATU
**********								
MICHIGAN DEPARTMENT OF NATURAL RESOURCES								
**********								
-MICHIGAN OIL COMPANY			RECEIVED: 04/30/81 JA: MI					
8128191		2104500000	102		MULKEY-VERMELLE ET AL #1-7	EATON RAPIDS 7	265.0	CONSUMERS POWER CO
8128192		2106500000	102		VFW NATIONAL HOFF-MILLER #1-18	ONONDAGA 18	0.0	CONSUMERS POWER CO
-MILLER BROTHERS			RECEIVED: 04/30/81 JA: MI					
8128193		2110133780	102		MARVIN HADAWAY ET AL-#5-2	MANISTEE 28-22N-16W	10.0	CONSUMERS POWER CO
-REEF PETROLEUM CORP			RECEIVED: 04/30/81 JA: MI					
8128195		2106533982	102		GLENN E WALKER #1-29E	WHITE OAK 29	54.0	CONSUMERS POWER CO
8128194		2112534002	102		MAX CHICOREL ETAL #1-17	LYON 17	36.0	MICHIGAN CONSOLIDATE

JD NO	JA INT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OKLAHOMA CORPORATION COMMISSION **********								
-ALAMO PETROLEUM COMPANY					RECEIVED: 04/28/81 JA: OK			
8128171	8432	3515321016	103		SCHESSOW NO 1	WILDCAT	300.0	PANHANDLE EASTERN PI
-AMOCO PRODUCTION CO					RECEIVED: 04/28/81 JA: OK			
8128183	8451	3513900000	108		FAST GAS UNIT A NO 1 (2AD FILING)	GUYMON - HUGOTON	19.0	PHILLIPS PETROLEUM C
-ANADARKO PRODUCTION COMPANY					RECEIVED: 04/28/81 JA: OK			
8128189	7903	3502500000	108		MARTIN NO 1-28	KEYES	3.0	PANHANDLE EASTERN PI
-ARAPAHO PETROLEUM INCORPORATED					RECEIVED: 04/28/81 JA: OK			
8128175	08297	3504722127	103		MILACEK 1-13	SOONER TREND	0.0	PANHANDLE EASTERN PI
-BETTIS BOYLE & STOVALL					RECEIVED: 04/28/81 JA: OK			
8128188	08292	3500721530	103		ALBERT NO 3A	KNOWLES COUNCIL GROVE	110.0	CITIES SERVICE GAS C
-BLUE QUAIL ENERGY INC					RECEIVED: 04/28/81 JA: OK			
8128186	8445	3501721673	103		HAYMAKER #2	N-YUKON CSWNW SEC 3-T12N	185.0	PHILLIPS PETROLEUM C
-CHAMPLIN EXPLORATION INC					RECEIVED: 04/28/81 JA: OK			
8128182	8459	3504722233	103		FUKSA #1	SOONER TREND	75.0	WELLHEAD ENTERPRISES
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/28/81 JA: OK			
8128185	08446	3504722119	103		GLADYS HAYDEN NO 2	ENID	57.3	CHAMPLIN PETROLEUM C
8128184	08447	3500320699	103		RUTH B DAVIS NO 2	E CHANEY DELL	64.9	CHAMPLIN PETROLEUM C
-HAMM PRODUCTION CO					RECEIVED: 04/28/81 JA: OK			
*8128170	8436	3507322624	103		CHOATE #1	S W LACEY	261.0	PHILLIPS PETROLEUM C
-JET OIL COMPANY					RECEIVED: 04/28/81 JA: OK			
8128180	08510	3511921189	103		GRAY B #1	COYLE	0.0	EASON OIL CO
-L & T OIL & GAS INC					RECEIVED: 04/28/81 JA: OK			
8128173	8369	3507322626	103		SPAHN 16 NO 3	SOONER TREND	46.0	CITIES SERVICE CO
-P-T LTD 80					RECEIVED: 04/28/81 JA: OK			
8128172	8403	3504772231	103		EATON #35-1	SOONER TREND	48.0	WELLHEAD ENTERPRISES
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 04/28/81 JA: OK			
8128174	8342	3502720360	103		WARD-PREBLE #1-10	NW NORMAN	124.0	SUN GAS CO
-RICKS EXPLORATION CO					RECEIVED: 04/28/81 JA: OK			
8128181	08469	3501520891	102		STOVER #1	WILDCAT	729.0	ARKANSAS LOUISIANA G
8128181	08469	3501520851	103		STOVER #1	WILDCAT	729.0	ARKANSAS LOUISIANA G
-W C PAYNE					RECEIVED: 04/28/81 JA: OK			
8128190	08484	3507300000	108		STREIT NO 1	SOONER TREND	0.0	CONOCO INC
8128169	08483	3508300000	108		VANCUREN NO 1	SOONER TREND	0.0	CONOCO INC
8128178	08481	3508300000	108		VINCENT NO 1	SOONER TREND	0.0	CONOCO INC
8128177	08480	3507300000	108		WAKEMAN NO 1	SOONER TREND	0.0	CONOCO INC
8128176	08479	3508300000	108		WILLSON NO 1	SOONER TREND	0.0	CONOCO INC
8128179	08478	3507300000	108		WRIGHT NO 1	SOONER TREND	0.0	CONOCO INC
-WOODS PETROLEUM CORPORATION					RECEIVED: 04/28/81 JA: OK			
8128187	08443	3503920338	103		DECKER #23-1	S THOMAS	365.0	TRANSOK PIPE LINE CO
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK								
-H & W DRILLING INC					RECEIVED: 05/01/81 JA: OK 8			
8128196		3511300000	103		A-9		18.0	AJAX OIL & GAS CORP
-WESTERN RESOURCE DEVELOPMENT LTD					RECEIVED: 05/01/81 JA: OK 8			
8128197		3511300000	108		WOOLAROC #67	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC
8128198		3511300000	108		WOOLAROC #92	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC
8128199		3511300000	108		WOOLAROC #93	WOOLAROC - 4424	0.0	NATIONAL ZINC CO INC

OTHER PURCHASERS VOLUME NO 3429

8128006 PEOPLES NATURAL GAS
8128007 PEOPLES NATURAL GAS
8128178 CITIES SERVICE GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15657 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Date Issued: May 18, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES								
-C W RIGGS INC					RECEIVED: 04/27/81 JA: OH			
8127861		3416724775	107		A EDWARDS & W WITTEN #1	RENO	3.5	COLUMBIA GAS TRANS C
8127823		3416725350	107		ALBERT RAY #1	RENO	14.0	COLUMBIA GAS TRANS C
8127890		3416724650	107		ALVA SCHNEIDER #1	RENO	27.0	COLUMBIA GAS TRANS C
8127800		3416725024	107		AUSTIN PRITCHETT #1	RENO	13.0	COLUMBIA GAS TRANS C
8127826		3416725460	107		BARBER RIGGS #2	RENO	40.0	COLUMBIA GAS TRANS C
8127825		3416724807	107		C & C RAWSON	RENO	10.0	COLUMBIA GAS TRANS C
8127829		3416725555	107		CHAUNCEY RINARD #2	RENO	11.0	COLUMBIA GAS TRANS C
8127851		3416724836	107		CHAUNCEY RINARD #3	RENO	14.5	COLUMBIA GAS TRANS C
8127850		3416724835	107		CHAUNCEY RINARD #4	RENO	18.0	COLUMBIA GAS TRANS C
8127852		3416725553	107		CHAUNCY RINARD #1	RENO	22.0	COLUMBIA GAS TRANS C
8127841		3416724627	107		CHELLA THORNILEY #3A	RENO	29.0	COLUMBIA GAS TRANS C
8127901		3416724368	107		CHELLA THORNILEY #3B	RENO	16.5	COLUMBIA GAS TRANS C
8127862		3416724628	107		CHELLA THORNILEY #4-A	RENO	6.0	COLUMBIA GAS TRANS C
8127907		3416724368	107		CHELLA THORNILEY #4-B	RENO	29.0	COLUMBIA GAS TRANS C
8127902		3416724370	107		CHELLA THORNILEY #6B	RENO	22.0	COLUMBIA GAS TRANS C
8127877		3416725593	107		COMER HAUGHT #1	RENO	12.0	COLUMBIA GAS TRANS C
8127834		3416724657	107		D & F THORNILEY #1	RENO	20.0	COLUMBIA GAS TRANS C
8127858		3416724548	107		D MCKAY #2	RENO	11.0	COLUMBIA GAS TRANS C
8127816		3416724258	107		DALE SATTERFIELD #1	RENO	9.0	COLUMBIA GAS TRANS C
8127903		3416724660	107		DAN ULLMAN #1	RENO	18.0	COLUMBIA GAS TRANS C
8127848		3416725036	107		DAN ULLMAN UNIT #2	RENO	7.0	COLUMBIA GAS TRANS C
8127804		3416724824	107		DAVID ZOLLER #1	RENO	22.0	COLUMBIA GAS TRANS C
8127864		3416725065	107		DEAN SECOY #1	RENO	7.5	COLUMBIA GAS TRANS C
8127836		3416724918	107		DEAN SECOY #2	RENO	11.5	COLUMBIA GAS TRANS C
8127899		3416724532	107		DENNIS WILSON #1	RENO	16.0	COLUMBIA GAS TRANS C
8127855		3416724531	107		DENNIS WILSON #2	RENO	15.0	COLUMBIA GAS TRANS C
8127856		3416724541	107		DENNIS WILSON #3	RENO	17.0	COLUMBIA GAS TRANS C
8127857		3416724542	107		DENNIS WILSON #4	RENO	14.5	COLUMBIA GAS TRANS C
8127894		3416725918	107		DONALD MARTIN #1	RENO	47.0	COLUMBIA GAS TRANS C
8127819		3416724535	107		E MCKITRICK #3	RENO	17.5	COLUMBIA GAS TRANS C
8127818		3416724534	107		E MCKITTRICK #2	RENO	22.0	COLUMBIA GAS TRANS C
8127797		3416724475	107		EDWARD THEOBALD #1	RENO	20.0	COLUMBIA GAS TRANS C
8127886		3416724476	107		EDWARD THEOBALD #2	RENO	18.0	COLUMBIA GAS TRANS C
8127815		3416724604	107		ELMER SANDFORD #1	RENO	7.5	COLUMBIA GAS TRANS C
8127871		3416724795	107		ERNEST & SARAH BECKER #1	RENO	11.0	COLUMBIA GAS TRANS C
8127831		3416724537	107		EVERETT MCKITRICK #1	RENO	7.0	COLUMBIA GAS TRANS C
8127879		3416725286	107		F A THOMAS #1	RENO	14.5	COLUMBIA GAS TRANS C
8127840		3416724872	107		FORD STARKEY #1	RENO	9.0	COLUMBIA GAS TRANS C
8127838		3416724871	107		FORD STARKEY #2	RENO	10.0	COLUMBIA GAS TRANS C
8127837		3416725541	107		FRANCIS STEVENS #1	RENO	10.0	COLUMBIA GAS TRANS C

VOLUME 428 PAGE 002

JD NO	JD DKT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8127882		3416725067	107		GALE STRICKLER #1	RENO	4.0	COLUMBIA GAS TRANS C
8127817		3416724185	107		GEO SAVER-R GUINN #4	RENO	55.0	COLUMBIA GAS TRANS C
8127809		3416724591	107		GEORGE SAUER #2	RENO	14.5	COLUMBIA GAS TRANS C
8127860		3416724568	107		GORDON PAPE #2	RENO	7.3	COLUMBIA GAS TRANS C
8127865		3416725377	107		GORDON PAPE #4	RENO	4.0	COLUMBIA GAS TRANS C
8127801		3416724401	107		HAROLD SCHRAMM #5	RENO	9.0	COLUMBIA GAS TRANS C
8127808		3416724403	107		HAROLD SCHRAMM #6	RENO	6.0	COLUMBIA GAS TRANS C
8127889		3416724404	107		HAROLD SCHRAMM #7	RENO	10.0	COLUMBIA GAS TRANS C
8127842		3416724427	107		HAROLD SCHRAMM #8	RENO	13.5	COLUMBIA GAS TRANS C
8127843		3416724430	107		HAROLD SCHRAMM #9	RENO	12.0	COLUMBIA GAS TRANS C
8127876		3416725713	107		HELEN MCMAHAN #1	RENO	23.0	COLUMBIA GAS TRANS C
8127820		3416725055	107		HENRY MILLER #1	RENO	25.0	COLUMBIA GAS TRANS C
8127821		3416725629	107		HENRY MILLER #2	RENO	12.0	COLUMBIA GAS TRANS C
8127812		3416724636	107		J F POLING #1	RENO	11.0	COLUMBIA GAS TRANS C
8127875		3416726162	107		J RILEY & F SMITH #1	RENO	8.5	COLUMBIA GAS TRANS C
8127880		3416724974	107		JOHN PRITCHETT #1	RENO	14.0	COLUMBIA GAS TRANS C
8127857		3416725363	107		JOHN THOMAS #1	RENO	17.0	COLUMBIA GAS TRANS C
8127805		3416725256	107		JOHN YOST #1	RENO	17.0	COLUMBIA GAS TRANS C
8127814		3416724580	107		JOSEPHINE RILEY #1	RENO	3.3	COLUMBIA GAS TRANS C
8127900		3416724838	107		KENNETH WEST #1	RENO	16.5	COLUMBIA GAS TRANS C
8127896		3416725070	107		KENNETH WEST #2	RENO	13.0	COLUMBIA GAS TRANS C
8127897		3416725143	107		KENNETH WEST #3	RENO	6.0	COLUMBIA GAS TRANS C
8127898		3416725546	107		KENNETH WEST #4	RENO	2.0	COLUMBIA GAS TRANS C
8127870		3416724460	107		KESSELRING #8	RENO	11.0	COLUMBIA GAS TRANS C
8127863		3416725073	107		KESSELRING #9	RENO	11.0	COLUMBIA GAS TRANS C
8127866		3416724589	107		LARRY HOCKENBERRY #1	RENO	10.5	COLUMBIA GAS TRANS C
8127802		3416724349	107		LLOYD VAN FOSSEN #1	RENO	25.5	COLUMBIA GAS TRANS C
8127893		3416724552	107		LLOYD VAN FOSSEN #2A	RENO	22.0	COLUMBIA GAS TRANS C
8127827		3416724454	107		LOVELLA PAPE #1	RENO	4.0	COLUMBIA GAS TRANS C
8127846		3416725689	107		MARCIA SMITH #1	RENO	9.0	COLUMBIA GAS TRANS C
8127849		3416725994	107		MARGARET MC CORMACK #1	RENO	14.5	COLUMBIA GAS TRANS C
8127824		3416724279	107		OLIVE SANDFORD #1	RENO	11.0	COLUMBIA GAS TRANS C
8127885		3416724780	107		OLIVE SANDFORD #2	RENO	14.0	COLUMBIA GAS TRANS C
8127839		3416725315	107		ORLIS STALNAKER UNIT #1	RENO	16.8	COLUMBIA GAS TRANS C
8127868		3416725957	107		PATRICIA HUPP #1	RENO	11.5	COLUMBIA GAS TRANS C
8127867		3416724608	107		PAUL SMITH #1	RENO	6.0	COLUMBIA GAS TRANS C
8127847		3416724609	107		PAUL SMITH #2	RENO	15.0	COLUMBIA GAS TRANS C
8127832		3416724347	107		PEARL THEOBALD #1	RENO	18.0	COLUMBIA GAS TRANS C
8127887		3416724347	107		PEARL THEOBALD #2	RENO	22.0	COLUMBIA GAS TRANS C
8127888		3416724605	107		POLING-EARTH UNIT #1	RENO	7.0	COLUMBIA GAS TRANS C
8127859		3416724994	107		R MILLER-P HALL UNIT #1	RENO	9.8	COLUMBIA GAS TRANS C
8127806		3416725026	107		RALPH VAN WEY #1	RENO	13.5	COLUMBIA GAS TRANS C
8127884		3416724361	107		RAYMOND SCHWARTZ #3	RENO	36.5	COLUMBIA GAS TRANS C
8127845		3416724362	107		RAYMOND SCHWARTZ #6	RENO	55.0	COLUMBIA GAS TRANS C
8127844		3416724363	107		RAYMOND SWARTZ #5	RENO	55.0	COLUMBIA GAS TRANS C
8127835		3416724391	107		RICK SCHRAMM #2	RENO	27.0	COLUMBIA GAS TRANS C
8127878		3416725295	107		ROBERT GODDARD #1	RENO	11.5	COLUMBIA GAS TRANS C
8127822		3416724492	107		ROBERT MILLER #1	RENO	8.0	COLUMBIA GAS TRANS C
8127905		3416724806	107		ROBERT THEOBALD #1	RENO	12.0	COLUMBIA GAS TRANS C
8127906		3416725100	107		ROBERT THEOBALD #3	RENO	23.0	COLUMBIA GAS TRANS C
8127833		3416725392	107		ROBERT THEOBALD #4	RENO	15.0	COLUMBIA GAS TRANS C
8127873		3416724967	107		ROGER FRENCH #1	RENO	11.5	COLUMBIA GAS TRANS C

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127872		3416725313	107		ROMA SMITH UNIT #1	RENO	5.0	COLUMBIA GAS TRANS C
8127799		3416724652	107		RUTH L SCHNEIDER #1	RENO	14.5	COLUMBIA GAS TRANS C
8127811		3416724653	107		RUTH SCHNEIDER #2	RENO	16.5	COLUMBIA GAS TRANS C
8127813		3416725037	107		SALTZWEDEL UNIT #1	RENO	10.0	COLUMBIA GAS TRANS C
8127810		3416724371	107		SAUER-GUINN #5	RENO	10.0	COLUMBIA GAS TRANS C
8127798		3416724635	107		SAUER-GUINN #7	RENO	4.0	COLUMBIA GAS TRANS C
8127828		3416724633	107		SAVER-GUINN #6	RENO	4.0	COLUMBIA GAS TRANS C
8127895		3416725810	107		SHOOK-GREATHOUSE UNIT #1	RENO	11.0	COLUMBIA GAS TRANS C
8127881		3416724805	107		STEVENS UNIT #1	RENO	13.0	COLUMBIA GAS TRANS C
8127883		3416724837	107		STRICKLER UNIT #1	RENO	14.0	COLUMBIA GAS TRANS C
8127869		3416725537	107		TICE-HAUGHT #3	RENO	22.0	COLUMBIA GAS TRANS C
8127904		3416725461	107		TOM & ROD SEEVERS #1	RENO	6.0	COLUMBIA GAS TRANS C
8127892		3416725342	107		USA-HILLE #1	RENO	7.0	COLUMBIA GAS TRANS C
8127891		3416725672	107		USA-RUDOLPH #1	RENO	12.0	COLUMBIA GAS TRANS C
8127803		3416724991	107		VALLEY VIEW BAPTIST CHURCH #1	RENO	13.0	COLUMBIA GAS TRANS C
8127830		3416724656	107		W MCKINNEY #1	RENO	11.0	COLUMBIA GAS TRANS C
8127853		3416725292	107		WARREN WINLAND #1	RENO	4.0	COLUMBIA GAS TRANS C
8127854		3416724778	107		WILLIAM WULFERT #1	RENO	14.5	COLUMBIA GAS TRANS C
8127874		3416724926	107		ZEDACK & ALICE PETHTEL #1	RENO	7.0	COLUMBIA GAS TRANS C
-CHARLES L WOOD					RECEIVED: 04/27/81 JA: CH			
8127965		3405922746	103		HICKENBCTTOM #1	CLINTON FORMATION	12.0	
8127965		3405922746	107		HICKENBOTTOM #1	CLINTON FORMATION	12.0	
-DAVID SHAFER OIL PRODUCERS INC					RECEIVED: 04/27/81 JA: CH			
8127938		3410322559	103		RAYMOND C FIRESTONE #5	GRANGER	5.0	COLUMBIA GAS TRANSMI
8127939		3410322560	103		RAYMOND C FIRESTONE #6	GRANGER	5.0	COLUMBIA GAS TRANSMI
-H I SMITH OIL & GAS INC					RECEIVED: 04/27/81 JA: CH			
8127944A		3407522359	103		ABE MILLER #1	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127944B		3407522359	107	D	ABE MILLER #1	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127945A		3407522634	103		ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127945B		3407522634	107	D	ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
8127946		3407522937	103		J STERLING #3	PRAIRIE	12.0	COLUMBIA GAS TRANSMI
-JAMES R SMAIL					RECEIVED: 04/27/81 JA: CH			
8127943		3416922327	103		RAYMOND R HUNSBERGER #1	RIPLEY	10.0	COLUMBIA GAS TRANSMI
8127943		3416922327	107		RAYMOND R HUNSBERGER #1	RIPLEY	10.0	COLUMBIA GAS TRANSMI
-JOHN C MASON					RECEIVED: 04/27/81 JA: CH			
8127729A		3403123380	103		ALICE BICKLE #1	MONROE	15.0	NATIONAL GAS CORP
8127729B		3403123380	107	D	ALICE BICKLE #1	MONROE	15.0	NATIONAL GAS CORP
8127719		3407522514	103		ANDY & MARY ERB #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127719		3407522514	107		ANDY & MARY ERB #1	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127720		3407522516	103		ANDY & MARY ERB #3	MECHANIC	24.0	COLUMBIA GAS TRANS C
8127720		3407522516	107		ANDY & MARY ERB #3	MECHANIC	24.0	COLUMBIA GAS TRANS C
8127721		3407522703	103		ANDY & MARY ERB #4	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127721		3407522703	107		ANDY & MARY ERB #4	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127723		3407522702	103		ANDY & MARY ERB #5	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127723		3407522702	107		ANDY & MARY ERB #5	MECHANIC	30.0	COLUMBIA GAS TRANS C
8127728A		3403122719	103		CLEMENT J WEIL #1	MONROE	12.0	CINCINNATI GAS & ELE
8127728B		3403122719	107	D	CLEMENT J WEIL #1	MONROE	12.0	CINCINNATI GAS & ELE
8127731A		3403123591	103		ELVIN R & WALTER BRILLHART 1A	MONROE	20.0	COLUMBIA GAS TRANS C
8127731B		3403123591	107	D	ELVIN R & WALTER BRILLHART 1A	MONROE	20.0	COLUMBIA GAS TRANS C
8127726		3407522517	103		GRACE MAXWELL #2	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127726		3407522517	107		GRACE MAXWELL #2	MECHANIC	25.0	COLUMBIA GAS TRANS C
8127730A		3403123859	103		HENRY & RICHARD % JOHNSON #1	MONROE	20.0	CINCINNATI GAS & ELE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127730B		3403123899	107	D	HENRY & RICHARD N JOHNSON #1	MONROE	20.0	CINCINNATI GAS & ELE
8127722		3407522652	103		JONAS M & DORA SCHLABACH #1	HARDY	20.0	COLUMBIA GAS TRANS C
8127722		3407522652	107		JONAS M & DORA SCHLABACH #1	HARDY	20.0	COLUMBIA GAS TRANS C
8127724		3407522512	103		LESTER ERB #1	MECHANIC	20.0	COLUMBIA GAS TRANS C
8127724		3407522512	107		LESTER ERB #1	MECHANIC	20.0	COLUMBIA GAS TRANS C
8127725		3407522511	103		LESTER ERB #2	MECHANIC	18.0	COLUMBIA GAS TRANS C
8127725		3407522511	107		LESTER ERB #2	MECHANIC	18.0	COLUMBIA GAS TRANS C
8127718		3407522671	103		MERLE HOOD 2A	HARDY	15.0	COLUMBIA GAS TRANS C
8127718		3407522671	107		MERLE HOOD 2A	HARDY	15.0	COLUMBIA GAS TRANS C
8127717		3407522232	103		PAUL MILLER #2	HARDY	0.0	
8127717		3407522232	107		PAUL MILLER #2	HARDY	0.0	
8127732A		3403123759	103		RACHEL EHRICH #1	MONROE	24.0	CINCINNATI GAS & ELE
8127732B		3403123759	107	D	RACHEL EHRICH #1	MONROE	24.0	CINCINNATI GAS & ELE
8127727A		3407522267	103		RAYMOND F PATTERSON #2	MONROE	18.0	CINCINNATI GAS & ELE
8127727B		3407522267	107	D	RAYMOND F PATTERSON #2	MONROE	18.0	CINCINNATI GAS & ELE
8127733A		3403123584	103		RUSSELL MCGRADY #1	MONROE	18.0	CINCINNATI GAS & ELE
8127733B		3403123584	107	D	RUSSELL MCGRADY #1	MONROE	18.0	CINCINNATI GAS & ELE
-L A MOORE & SON INC					RECEIVED: 04/27/81 JA: OH			
8127735		3412725117	103		HENDERSON #1	READING	6.0	COLUMBIA GAS TRANS C
-NATIONAL PETROLEUM CORP					RECEIVED: 04/27/81 JA: OH			
8127737		3411122184	107		D & R CHRISTMAN #1	MALAGE	15.0	TEXAS EASTERN TRANSM
-NEW FRONTIER EXPLORATION INC					RECEIVED: 04/27/81 JA: OH			
8127745		3403124147	103		DIXON-LANHAM UNIT #1	WASHINGTON	22.0	
8127745		3403124147	107		DIXON-LANHAM UNIT #1	WASHINGTON	22.0	
8127746		3405922550	103		ENOS UNIT #1	CAMBRIDGE	37.0	COLUMBIA GAS TRANSMI
8127746		3405922550	107		ENOS UNIT #1	CAMBRIDGE	37.0	COLUMBIA GAS TRANSMI
8127747		3405922983	103		EUGENE TAYLOR #1	CENTER	15.0	COLUMBIA GAS TRANSMI
8127747		3405922983	107		EUGENE TAYLOR #1	CENTER	15.0	COLUMBIA GAS TRANSMI
8127751		3403124151	103		HAROLD DICKERSON #1	WASHINGTON	18.0	
8127751		3403124191	107		HAROLD DICKERSON #1	WASHINGTON	18.0	
8127750		3403124148	103		HENRY LANHAM #1	WASHINGTON	22.0	
8127750		3403124148	107		HENRY LANHAM #1	WASHINGTON	22.0	
8127743A		3401320359	103		JOHN G BROWN #1	SOMERSET	12.0	
8127743B		3401320359	107	D	JOHN G BROWN #1	SOMERSET	12.0	
8127738A		3401320360	103		JOHN G BROWN #2	SOMERSET	28.0	
8127738B		3401320360	107	D	JOHN G BROWN #2	SOMERSET	28.0	
8127739A		3401320361	103		NORMAN STEPHENS #1	SOMERSET	12.0	
8127739B		3401320361	107	D	NORMAN STEPHENS #1	SOMERSET	12.0	
8127741A		3401320362	103		NORMAN STEPHENS #2	SOMERSET	12.0	
8127741B		3401320362	107	D	NORMAN STEPHENS #2	SOMERSET	12.0	
8127742A		3401320363	103		NORMAN STEPHENS #3	SOMERSET	12.0	
8127742B		3401320363	107	D	NORMAN STEPHENS #3	SOMERSET	12.0	
8127740A		3401320364	103		NORMAN STEPHENS #4	SOMERSET	12.0	
8127740B		3401320364	107	D	NORMAN STEPHENS #4	SOMERSET	12.0	
8127744A		3415123389	103		R BOUGHMAN #2	BETHLEHEM	30.0	
8127744B		3415123389	107	D	R BOUGHMAN #2	BETHLEHEM	30.0	
8127748		3403124149	103		ROBERT DIXON #2	BEDFORD	18.0	
8127748		3403124149	107		ROBERT DIXON #2	BEDFORD	18.0	
8127749		3405922824	103		SHAPPOCK-BOYSEL UNIT #1	SPENCER	32.0	
8127749		3405922824	107		SHARROCK-BOYSEL UNIT #1	SPENCER	32.0	
-NOBLE OIL CORP					RECEIVED: 04/27/81 JA: OH			
8127752		3413321247	103		GEIB #1	EDINBURG	20.0	GENERAL ELECTRIC CC

JD NO	JA CKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127754		3413322150	103		KING #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8127755		3413322171	103		MANN-VILLERS #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8127753		3413322365	103		POWERS #1	DEERFIELD	20.0	REPUBLIC STEEL CORP
8127756		3413322149	103		RUGGLES #1	PALMYRA	20.0	GENERAL ELECTRIC CO
-OHIO NATURAL FUEL CO					RECEIVED: 04/27/81 JA: CH			
8127761A		3407522240	103		CARROLL #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127761B		3407522240	107	D	CARROLL #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127759A		3407522238	103		CHARVAT #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127759B		3407522238	107	D	CHARVAT #1	KNOX	16.0	COLUMBIA GAS TRANSMI
8127764		3416922102	103		CLIFFORD & EILEEN EICK #2	PLAIN	14.0	COLUMBIA GAS TRANSMI
8127760A		3407522539	103		GARBER #1	KNOX	27.0	COLUMBIA GAS TRANSMI
8127760B		3407522539	107	D	GARBER #1	KNOX	27.0	COLUMBIA GAS TRANSMI
8127762		3416922542	103		M & C GRINDSTAFF #1	PLAIN	9.0	COLUMBIA GAS TRANSMI
8127758A		3407522158	103		NEDOMA #1	KNOX	29.0	COLUMBIA GAS TRANSMI
8127758B		3407522158	107	D	NEDOMA #1	KNOX	29.0	COLUMBIA GAS TRANSMI
8127763		3407522769	103		ROMAN & AMANDA MILLER #1	SALT CREEK	5.0	COLUMBIA GAS TRANSMI
-OHIO PARTNERS OIL CO					RECEIVED: 04/27/81 JA: CH			
8127765		3413322493	103		BROOKSHIRE UNIT #1	WINDHAM	20.0	COLUMBIA GAS TRANSMI
-OHIO TITAN ENERGY CO					RECEIVED: 04/27/81 JA: CH			
8127766		3407522430	103		#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GAS TRANSMI
8127766		3407522430	107		#4 ATLEE MILLER	MECHANIC	900.0	COLUMBIA GAS TRANSMI
-OMEGA OIL CORP					RECEIVED: 04/27/81 JA: CH			
8127757		3412122526	107		DANIELS #1	ELK	36.5	
-OXFORD OIL CO					RECEIVED: 04/27/81 JA: CH			
8127775		3403124170	103		AMMAN-REED UNIT #1	CLARK	10.0	
8127775		3403124170	107		AMMAN-REED UNIT #1	CLARK	10.0	
8127774		3403123910	103		COSHOCTON CO DOG CLUB #1	BEDFORD	10.0	COLUMBIA GAS TRANS
8127774		3403123910	107		COSHOCTON CO DOG CLUB #1	BEDFORD	10.0	COLUMBIA GAS TRANS
8127767A		3408923859	103		GARDNER UNIT #1	PERRY	10.0	NATIONAL GAS & OIL C
8127767B		3408923859	107	D	GARDNER UNIT #1	PERRY	10.0	NATIONAL GAS & OIL C
8127773		3412724754	103		PAUL THOMPSON #2	HARRISON	10.0	COLUMBIA GAS TRANS
8127773		3412724754	107		PAUL THOMPSON #2	HARRISON	10.0	COLUMBIA GAS TRANS
8127770		3411521836	103		ROBERT REED #1	BLOOM	10.0	COLUMBIA GAS TRANS C
8127770		3411521836	107		ROBERT REED #1	BLOOM	10.0	COLUMBIA GAS TRANS C
8127769		3411522061	103		ROBERT SMITH #3	DEERFIELD	10.0	COLUMBIA GAS TRANS
8127769		3411522061	107		ROBERT SMITH #3	DEERFIELD	10.0	COLUMBIA GAS TRANS
8127768		3411521525	103		RUSSELL MSNEAL #1	YORK	9.0	NATIONAL GAS & OIL C
8127768		3411521525	107		RUSSELL MSNEAL #1	YORK	9.0	NATIONAL GAS & OIL C
8127772		3411925199	103		TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GAS TRANS
8127772		3411925199	107		TAYLOR MERRY UNIT #1	PERRY	8.0	COLUMBIA GAS TRANS
8127771		3411925190	103		VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GAS TRANS
8127771		3411925190	107		VIOLET BLACKFORD #1	SALT CREEK	10.0	COLUMBIA GAS TRANS
-PETROLEUM ENERGY DEVELOPMENT CORP					RECEIVED: 04/27/81 JA: CH			
8127776A		3403124064	103		ALBERT R HAINES #2	TIVERTON	30.0	
8127776B		3403124064	107	D	ALBERT R HAINES #2	TIVERTON	30.0	
-REPUBLIC MINERAL CORP					RECEIVED: 04/27/81 JA: CH			
8127781		3416723321	108		C JOHNSON #1	SIMMONS GAS FIELD	7.0	COLUMBIA GAS TRANSMI
8127779		3416723330	108		C JOHNSON #2	SIMMONS GAS FIELD	8.7	COLUMBIA GAS TRANSMI
8127786		3416723333	108		DEAN RUMMER #1	SIMMONS GAS FIELD	3.8	COLUMBIA GAS TRANSMI
8127793		3416724722	108		DONNA LANG WELL #1	SIMMONS GAS FIELD	3.7	COLUMBIA GAS TRANSMI
8127782		3416723331	108		E GRESHAER #1	SIMMONS GAS FIELD	4.2	COLUMBIA GAS TRANSMI
8127785		3416723328	108		FRANCIS SCHILLING #1	SIMMONS GAS FIELD	5.5	COLUMBIA GAS TRANSMI
8127789		3416723334	108		HAROLD HOLLISTER #1	SIMMONS GAS FIELD	5.2	COLUMBIA GAS TRANSMI

JD ##	JA INT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127792		3416723275	108		HARRY WENZEL #1	SIMMONS GAS FIELD	4.0	COLUMBIA GAS TRANSMI
8127788		3416723327	108		J CARNA #1	SIMMONS GAS FIELD	1.6	COLUMBIA GAS TRANSMI
8127787		3416723324	108		JOHN BECKER #1	SIMMONS GAS FIELD	3.0	COLUMBIA GAS TRANSMI
8127784		3416722599	108		LAKE FLORENCE #1	SIMMONS GAS FIELD	5.4	COLUMBIA GAS TRANSMI
8127791		3416723281	108		LAKE FLORENCE #2	SIMMONS GAS FIELD	1.4	COLUMBIA GAS TRANSMI
8127794		3416724720	108		MARTIN WELL #2	SIMMONS GAS FIELD	3.0	COLUMBIA GAS TRANSMI
8127790		3416723280	108		MARVIN SHOCK #3	SIMMONS GAS FIELD	3.9	COLUMBIA GAS TRANSMI
8127783		3416723300	108		ROBERT FLORENCE #1	SIMMONS GAS FIELD	3.4	COLUMBIA GAS TRANSMI
8127780		3416723329	108		W P POLLYSON #1	SIMMONS GAS FIELD	3.9	COLUMBIA GAS TRANSMI
8127795		3416724516	108		WILLIAM LANG 1-P	SIMMONS GAS FIELD	2.3	COLUMBIA GAS TRANSMI
8127796		3416724311	108		WILLIAM LANG 1-C	SIMMONS GAS FIELD	3.4	COLUMBIA GAS TRANSMI
-RICHARD C MEYER INC					RECEIVED: 04/27/81 JA: CH			
8127734		3403123678	103		HAZEL MYERS NO 1	BLISSFIELD-NORTH	3.0	COLUMBIA GAS TRANSMI
8127734		3403123678	107		HAZEL MYERS NO 1	BLISSFIELD-NORTH	3.0	COLUMBIA GAS TRANSMI
-RICHARD C POLING					RECEIVED: 04/27/81 JA: CH			
8127776		3412724920	103		COFFMAN #1	JACKSON TWP	5.0	
8127777		3408924014	103		WRIGHT #1	PERRY	5.0	
-RIMCO OPERATING INC					RECEIVED: 04/27/81 JA: CH			
8127908		3416922547	103		THOMPSON #1	PLAIN	12.0	COLUMBIA GAS TRANS
-ROBERT E SHERRY					RECEIVED: 04/27/81 JA: CH			
8127940		3412724858	103		CURRY #1A	HOPEWELL	50.0	
-ROVI RESOURCES CORP					RECEIVED: 04/27/81 JA: CH			
8127915		3411522048	103		C DAILEY #2	MORGAN	9.0	TENNESSEE GAS PIPELI
8127918		3411522047	103		C DAILEY #3	MORGAN	9.0	TENNESSEE GAS PIPELI
8127919		3411522049	103		C DAILEY #4	MORGAN	9.0	TENNESSEE GAS PIPELI
8127920		3411522044	103		CORY #1	BLOOM	9.0	TENNESSEE GAS PIPELI
8127914		3411522043	103		CORY #2	BLOOM	9.0	TENNESSEE GAS PIPELI
8127916		3411521932	103		L & M HANSON #1	BLOOM	9.0	TENNESSEE GAS PIPELI
8127917		3411521930	103		L & M HANSON #2	BLOOM	9.0	TENNESSEE GAS PIPELI
8127921		3411521929	103		L & M HANSON #3	BLOOM	9.0	TENNESSEE GAS PIPELI
8127909		3411521928	103		L & M HANSON #4	BLOOM	9.0	TENNESSEE GAS PIPELI
8127910		3411521931	103		L & M HANSON #5	BLOOM	9.0	TENNESSEE GAS PIPELI
8127911		3411521812	103		NEEDHAM #2	MORGAN	9.0	TENNESSEE GAS PIPELI
8127912		3411521938	103		NEEDHAM #3	MORGAN	9.0	TENNESSEE GAS PIPELI
8127913		3411521939	103		NEEDHAM #4	BLOOM	9.0	TENNESSEE GAS PIPELI
-ROWLEY & BROWN PETROLEUM CORP					RECEIVED: 04/27/81 JA: CH			
8127922A		3407522409	103		BRUMME #3	KILLBUCK	47.0	COLUMBIA GAS TRANSMI
8127922B		3407522409	107	D	BRUMME #3	KILLBUCK	47.0	COLUMBIA GAS TRANSMI
8127924		3407522341	103		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GAS TRANSMI
8127924		3407522341	107		DAN S YODER #2	MECHANIC	30.0	COLUMBIA GAS TRANSMI
8127925		3407522321	103		ELLIOT #1	MECHANIC	39.0	COLUMBIA GAS TRANSMI
8127925		3407522321	107		ELLIOT #1	MECHANIC	39.0	COLUMBIA GAS TRANSMI
8127927		3407522306	103		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GAS TRANSMI
8127927		3407522306	107		HICKORY LAKE #2	MECHANIC	64.0	COLUMBIA GAS TRANSMI
8127928		3407522307	103		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GAS TRANSMI
8127928		3407522307	107		HICKORY LAKE #3	MECHANIC	65.0	COLUMBIA GAS TRANSMI
8127926		3407522346	103		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GAS TRANSMI
8127926		3407522346	107		HICKORY LAKE #5	MECHANIC	59.0	COLUMBIA GAS TRANSMI
8127923		3407522345	103		STARKER #1	MECHANIC	52.0	COLUMBIA GAS TRANSMI
8127923		3407522345	107		STARKER #1	MECHANIC	52.0	COLUMBIA GAS TRANSMI
-SENECA ENERGY CORP					RECEIVED: 04/27/81 JA: CH			
8127931		3403123559	103		AMES #2	MILLCREEK	36.0	COLUMBIA GAS TRANSMI
8127931		3403123559	107		AMES #2	MILLCREEK	36.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127929		3403123470	103		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127929		3403123470	107		CONKLE #1	CLARK	196.0	COLUMBIA GAS TRANSMI
8127932		3403123807	103		FENDER #1	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127932		3403123807	107		FENDER #1	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127936		3403123808	103		FENDER #2	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127936		3403123808	107		FENDER #2	MILLCREEK	37.0	COLUMBIA GAS TRANSMI
8127935		3403122153	103		H J LOWE #1	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8127935		3403122153	107		H J LOWE #1	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8127930		3403123818	103		HOLMES LIMESTONE #1	MILLCREEK	38.0	COLUMBIA GAS TRANSMI
8127930		3403123818	107		HOLMES LIMESTONE #1	MILLCREEK	38.0	COLUMBIA GAS TRANSMI
8127934		3403122281	103		HOMER J LOWE #2	MECHANIC	109.0	COLUMBIA GAS TRANSMI
8127934		3403122281	107		HOMER J LOWE #2	MECHANIC	109.0	COLUMBIA GAS TRANSMI
8127937		3403123993	103		HUGHES #1	CLARK	49.0	COLUMBIA GAS TRANSMI
8127937		3403123993	107		HUGHES #1	CLARK	49.0	COLUMBIA GAS TRANSMI
8127933		3403123824	103		MYERS #2	CLARK	58.0	COLUMBIA GAS TRANSMI
8127933		3403123824	107		MYERS #2	CLARK	58.0	COLUMBIA GAS TRANSMI
-SKY PETROLEUM CORP					RECEIVED: 04/27/81 JA: CH			
8127941		3403124124	103		BRINK-MELROSE #1	WASHINGTON	0.0	
8127941		3403124124	107		BRINK-MELROSE #1	WASHINGTON	0.0	
8127942		3403124123	103		CHARLES GRAHAM #1	WEST BEDFORD	0.0	
8127942		3403124123	107		CHARLES GRAHAM #1	WEST BEDFORD	0.0	
-STRATA EXPLORATION INC LTD					RECEIVED: 04/27/81 JA: CH			
8127947		3407522764	103		#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GAS TRANSMI
8127947		3407522764	107		#1 JOE M HERSHBERGER	MECHANIC	950.0	COLUMBIA GAS TRANSMI
8127948		3407522763	103		#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GAS TRANSMI
8127948		3407522763	107		#1 WAYNE L RABER	MECHANIC	1000.0	COLUMBIA GAS TRANSMI
-SUMMA OIL INVESTORS LTD					RECEIVED: 04/27/81 JA: CH			
8127949		3416725468	103		GEORGE EDGAR #3	INDEPENDENCE	70.0	
-SUPERIOR PETROLEUM INC					RECEIVED: 04/27/81 JA: CH			
8127950A		3401921350	103		M W C D #2-E	MONROE	20.0	M & B OPERATING INC
8127950B		3401921350	107	D	M W C D #2-E	MONROE	20.0	M & B OPERATING INC
8127951A		3401921347	103		M W C D #5-E	MONROE	20.0	M & B OPERATING INC
8127951B		3401921347	107	D	M W C D #5-E	MONROE	20.0	M & B OPERATING INC
8127952		3401921388	103		M W C D 4-E	MONROE	0.0	M B OPERATING INC
-THE MUTUAL OIL & GAS COMPANY					RECEIVED: 04/27/81 JA: CH			
8127736		3411122154	103		R MINES M-1	FRANKLIN	10.0	COLUMBIA GAS TRANSMI
-TIGER OIL INC					RECEIVED: 04/27/81 JA: CH			
8127955		3405922852	103		KAPOLKA #3-A		0.0	COLUMBIA GAS TRANSMI
8127955		3405922852	107		KAPOLKA #3-A		0.0	COLUMBIA GAS TRANSMI
8127954		3405922522	103		SZUBER #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8127954		3405922522	107		SZUBER #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8127953		3405922674	103		SZUBER #1B	VALLEY	20.0	COLUMBIA GAS TRANSMI
8127953		3405922674	107		SZUBER #1B	VALLEY	20.0	COLUMBIA GAS TRANSMI
8127956		3412122566	107		ULLMAN-BECKER-SCHRAMM #1	ELK	0.0	COLUMBIA GAS TRANSMI
-WHITACRE OIL CO					RECEIVED: 04/27/81 JA: CH			
8127957		3411121938	107		ARNETT WHITACRE #1	WASHINGTON	40.0	COLUMBIA GAS TRANSMI
8127958		3411122088	107		KOY WHITACRE #1	WASHINGTON	45.0	COLUMBIA GAS TRANSMI
-WHITNAM OIL & GAS CORP					RECEIVED: 04/27/81 JA: CH			
8127959		3416725952	107		OOAK #5	FAIRFIELD	10.0	
8127963		3416726028	107		EDDY HEIRS #1	INDEPENDENCE	15.0	
8127961		3416725866	107		FLY #1	DECATUR	12.0	
8127964		3410522045	107		REED #2	OLIVE	12.0	
8127962		3416726330	107		REYNOLDS #1	GRANDVIEW	15.0	
8127960		3416725861	107		SMITH-MYERS #1	DECATUR	12.0	

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated Annual production (PROD) is in million cubic feed (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the receord on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 175.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the **Federal Register.**

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15856 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2891-001]

City of Tallahassee, Florida; Application for license (Major)

May 21, 1981

Take notice that the City of Tallahassee, Florida (Applicant) filed on February 25, 1981, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the Jackson Bluff Dam Project No. 2891 located on the Ochlockonee River in Leon, Liberty, and Gadsden Counties, Florida. Correspondence with the Applicant should be directed to: Mr Kenneth W. Morgan, Director, Electric Department, City of Tallahassee, 2602 Jackson Bluff Road, Tallahassee, Florida 32301 and Mr. James V. Williams, R. W. Beck and Associates, Tower Building, 7th Avenue at Olive Way, Seattle, Washington 98101.

Project Description—The Jackson Bluff Dam Project would consist of: (1) an existing reservoir with a storage capacity of 150,000 acre-feet and a surface area of 10,200 acres at normal power pool elevation of 68.5 feet m.s.l.; (2) an existing earth embankment dam approximately 3,600 feet long with a maximum height of approximately 60 feet; (3) an existing powerhouse which consists of a brick superstructure and reinforced concrete substructure. The powerhouse is approximately 132 feet long and 33 feet wide, and will contain generating units having a total installed capacity of 10,900 kW; (4) an existing 69-kV transmission line; and (5) appurtenant facilities. The estimated average annual energy output of the proposed project would be 22,637,000 kWh.

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 (b) (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. The Commisssion'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. 81-15830 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-317-000]

Columbia Gas Transmission Corp.; Application

May 22, 1981.

Take notice that on May 4, 1981, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-317-000 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 an additional compressor unit at its Seneca Compressor Station (Seneca) in Pendleton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas requests authorization to construct and operate a 13,750 horsepower gas turbine driver-centrifugal compressor unit at Seneca. Columbia Gas states that Seneca is located at a critical point on Columbia Gas' B System which partially supplies its Eastern Market Area, including the Washington-Baltimore Area, and that it is essential that this station have a high degree of reliability to permit operation at a high load factor during the winter period. Columbia Gas indicates that during winter/day design operations it would use the proposed 13,750 horsepower unit in firm service and the existing Seneca units, which consist of one 6,200 and two 3,165 horsepower units, in standby service.

Columbia Gas states that it would purchase a surplus GE Frame 3 turbine compressor unit from Columbia Gulf Transmission Company (Columbia Gulf), an affiliate, which can be upgraded to 13,750 horsepower. Such unit is currently at Columbia Gulf's Stanton Compressor Station and that the abandonment of said unit is currently pending before the Commission in Docket No. CP81-161-000, it is stated. Columbia Gas states that it also intends to purchase a surplus auxiliary equipment at its Seneca Compressor Station.

The application states that on February 26, 1981, a failure occurred in the regenerative unit of the existing 6,200 horsepower Seneca compressor unit, and that it has been estimated that this unit, which was installed in 1953, cannot be made operational until approximately November 1, 1981. Columbia Gas contends that without the availability of this unit, it would experience an approximate 113,000 Mcf per day reduction in the capability of the B System on a design day during the

1981–82 winter period. Additionally other major accessory components of the existing 6,200 horsepower unit are obsolete and efforts to keep the unit in condition have required repairs using material not specifically designed for the application, it is said. It is stated that a failure in one of the major components could render the compressor unit inoperable for periods of months, up to two years. The two existing 3,165 horsepower compressor units at Seneca are light duty Allison units primarily installed for peaking service, it is said.

Columbia Gas indicates that it intends to make every effort to complete installation of the Stanton unit at Seneca by November 1, 1980, in order to assure design day capabilities of the B system during the 1981–82 winter period.

Columbia Gas indicates that it would purchase the proposed facility from Columbia Gulf at its original cost less depreciation for an estimated net out-of-pocket cost of $861,831. The estimated total capital cost for installing and upgrading the proposed 13,750 horsepower compressor unit at Seneca would be $7,190,000 which cost would be financed from internally generated funds, Columbia Gas states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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 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. 81-15870 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-330-000]

Columbia Gulf Transmission Co., Southern Natural Gas Co.; Application

May 22, 1981.

Take notice that on May 11, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-330-000 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 approximately 3.76 miles of 12-inch pipeline in the South Pass Area, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they have acquired the right to purchase gas reserves underlying Blocks 57 and 58 in the South Pass Area. In order to attach such reserves to a 26-inch pipeline in South Pass Block 77 owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Applicants propose to construct the subject facilities between the production platform in Block 57 and the 26-inch pipeline. The proposed 12-inch pipeline would have a design capacity of 100,000 Mcf of gas per day.

Columbia Gulf proposes to construct the facility. The application states that Columbia Gulf has requested Tennessee to operate it.

The proposed facility is estimated to cost approximately $5,000,000. Financing by Columbia Gulf would be with funds on hand. Financing by Southern would be initially by funds on hand or short-term obligations.

Ownership of the subject facility would be 80 percent by Columbia Gulf and 20 percent by Southern, which is said to be their approximate interests in the reserves to be attached. Reserves are estimated at 53,910,000 Mcf proven, 100,213,000 Mcf proven and shallow potential, and 125,213,000 Mcf proven and shallow/deep potential.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15831 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-36-000]

Coronado Transmission Co.; Application for Adjustment

May 22, 1981.

Take notice that on May 11, 1981, Coronado Transmission Company (Applicant), 8561 Long Point Road, Houston Texas 77035, filed in Docket No. SA81-36-000 an application pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 for an adjustment to permit Applicant to elect, pursuant to Section 284.123(b)(1)(ii) of the Commission's Regulations (18 CFR 284.123(b)(1)(ii)), to use an existing rate for intrastate service, other than a city-

gate rate, for service rendered Southern Natural Gas Company (Southern) under Section 311(a) of the Natural Gas Policy Act of 1978, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has commenced the gathering, compression, and transportation of natural gas for Southern, said to be reported pursuant to Section 284.126 of the Commission's Regulations (18 CFR 284.126) concurrently with the instant application, at a rate below that previously approved by the Alabama Public Service Commission for transportation services rendered by Applicant but which rate Applicant believes does not comport with the requirements of Section 284.123, because it is not for city-gate service. Applicant requests that an adjustment be granted so that the rate on file with the Alabama Public Service Commission may be used as the basis for the rate currently to be collected from Southern, pending Applicant's obtaining a determination by the Alabama Public Service Commission that Applicant's existing transportation rate is just and reasonable by a cost-based methodology under Alabama substantive law.

Applicant states that within 30 days after an affirmative order regarding the instant application would be issued, Applicant would file a request with the Alabama Public Service Commission for the purpose of obtaining from that Commission an order that Applicant's transportation rate is just and reasonable. Applicant states that it would file with that Commission all necessary and appropriate documentation to justify its rate on a cost basis. Applicant agrees to be bound by whatever order or determination the Alabama Public Service Commission issues, which order would be filed with this Commission.

Applicant submits that the Alabama Public Service Commission is familiar with Applicant and the services Applicant renders in Alabama and that an adjustment is required to prevent hardship, inequity, or an unfair distribution of burdens. Further, Applicant submits that this Commission's review of the rate methodology for the instant service would result in unnecessary, dual agency review.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15832 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4510-000]

Cosumnes River Water and Power Authority; Application for Preliminary Permit

May 21, 1981.

Take notice that Cosumnes River Water and Power Authority (Applicant) filed on April 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4510 to be known as the Cosumnes River Water and Power Project located on the Cosumnes River in Amador and El Dorado Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harold E. Colburn, Chairman of Board, Cosumnes River Water and Power Authority, Box 126, Plymouth, California 95669, with a copy to Mr. Joe Flynn, Vice Chairman, Cosumnes River Water and Power Authority, 330 Fair Lane, Placerville, California 95667. 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 295-foot high by 1,800-foot long earth and rock fill structure, designated Pi-Pi Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 445 acres and a storage capacity of 70,000 acre-feet; (2) the Pi-Pi Mini Hydroelectric Power Plant with an installed capacity of approximately 375 kW; (3) approximately 18,600 feet of pipeline to convey water to the Dogtown Creek Reservoir; (4) a 100-foot high by 500-foot long earthfill structure, designated Sopiago Dam, to impound the Sopiago Creek, creating a reservoir with a surface area of 150 acres and a capacity of 7,000 acre-feet; (5) an 80-foot high concrete gravity structure designated Dogtown Creek Diversion Dam, to impount the Dogtown Creek, creating a reservoir with a surface area of 5 acres and a capacity of 200-feet; (6) the Dogtown Power Plant with an installed capacity of 1,178 kW; (7) a 9,000-foot long, 60-inch diameter pipeline; (8) a 5,000-foot long, 8-foot diameter tunnel; (9) a 2,500-foot long, 60-inch diameter penstock serving; (10) the Clear Creek Power Plant with an installed capacity of 3,150 kW; (11) a 335-foot high, 1,800-foot long rock fill structure, designated Steely Dam, to impound the Steely Creek, creating a reservoir with a surface area of 475 acres and a storage capacity of 80,000 acre-feet (12) a 4,100-foot long, 9-foot diameter tunnel; (13) a 4,600-foot long, 84-inch diameter penstock serving; (14) the Steely Power Plant with an installed capacity of 41,200 kW; (15) a 190-foot high by 1,100-foot long earth and rock fill structure, designated Big Canyon Diversion Dam, to impound the Big Canyon Creek, creating a reservoir with a surface area of 210 acres and a capacity of 10,000 acre-feet; (16) a 130-foot high by 650-foot long earthfill dam, designated Camp Creek Diversion Dam, to impound the Camp Creek, creating a reservoir with a surface area of 40 acres and a capacity of 2,000 acre-feet; (17) a 6,500-foot long, 96-inch diameter tunnel diverting water to the Baker Ford Reservoir; (18) a 285-foot high by 1,550-foot long earthfill structure, designated Baker Ford Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 1,400 acres and a storage capacity of 185,000 acre-feet; (19) the Baker Ford Mini Hydroelectric Power Plant with an installed capacity of 375 kW; (20) a 19,000-foot long, 10-foot diameter tunnel; (21) a 3,000-foot long, 8-foot diameter pipeline; (22) a 168-inch diameter surge tank; (23) a 2,000-foot long, 84-inch by 78-inch penstock leading to; (24) the Spanish Creek Power Plant with an installed capacity of 23,000 kW; (25) a 75-foot high by 500-foot long concrete gravity structure designated the Spanish Creek Diversion Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 20 acres and a capacity of 140 acre-feet; (26) a 15,600-foot long, 120-inch tunnel; (27) a 2,000-foot long, 96-inch diameter steel penstock serving; (28) the Nashville Power Plant No. 1 with an installed capacity of 10,760 kW; (29) a 20-foot high by 300-foot long concrete gravity structure, designated the Nashville

Regulating Dam, to impound the Middle Fork Cosumnes River, creating a reservoir with a surface area of 10 acres and a capacity of 100 acre-feet; (30) a 215-foot high by 800-foot long structure, designated the Cape Cod Dam, to impound the Cosumnes River, creating a reservoir with a surface area of 2,340 acres and a storage capacity of 300,000 acre-feet; (31) the Cape Cod Power Plant with an installed capacity of 9,000 kW; (32) a 190-foot high by 800-foot long earthfill dam, designated the Scotts Creek Dam, to impound the Scotts Creek, creating a reservoir with a surface area of 180 acres and a storage capacity of 16,400 acre-feet; (33) a 40-foot high by 400-foot long concrete structure, designated the Aukum Diversion Dam, to impound the South Fork Cosumnes River, creating a reservoir with a surface area of 25 acres and a capacity of 160 acre-feet; (34) the Dry Creek Power Plant No. 1 with an installed capacity of 1,125 kW; (35) a 165-foot high by 750-foot long earthfill structure, designated Dry Creek Dam, to impound the Dry Creek, creating a reservoir with a surface area of 2,000 acres and a storage capacity of 17,000 acre-feet; (36) the Dry Creek Power Plant No. 2 with an installed capacity of 1,675 kW; (37) a 185-foot high by 1,880-foot long rolled earth, sand, and gravel structure, designated the Irish Hill Dam, to impound the Dry Creek, creating a reservoir with a surface area of 2,000 acres and a storage capacity of 100,000 acre-feet; and approximately 55 miles of transmission line beginning from the Pi-Pi reservoir to the existing Folsom Dam Switch Yard. The proposed project would have a total installed capacity of 91.8 MW.

The Applicant estimates that the average annual energy output would be 372.3 million kWh.

Purpose of Project—Applicant states that the power produced by the project would be marketed to either a publicly-owned or an investor-owned utility.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now 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 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 is estimated by the Applicant to be about $1.9 million. No new road construction would be required to conduct the studies. The impact upon the environment by preliminary field studies would be minor and temporary. Any land disturbed while conducting test pits, field surveys, and borings would be returned to its original condition upon completion of the preliminary studies.

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 10, 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 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before July 10, 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. 4510. 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. 81-15833 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4586-000]

Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch; Application for Preliminary Permit

May 20, 1981.

Take notice that Dennis V. McGrew, Tom M. McMaster, and Kenneth R. Koch (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4586 to be known as Swamp Creek Project located on Swamp 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: Dennis V. McGrew, P.E., 2623 Yew Street, 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 5-foot high concrete diversion weir and intake structure; (2) a 3,600-foot long and 36-inch diameter concrete pipeline; (3) a surge tank; (4) a 2,000-foot long and 30-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3.7 MW; and (6) a 6-mile long transmission line. The Applicant estimates that the average annual energy output would be 22 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering and geotechnical studies, perform preliminary designs, conduct environmental studies, make an economic and feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $190,000.

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 aplication 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 30, 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 28, 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 30, 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. 4586. 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. 81-15825 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-268-000]

Dow Intrastate Gas Co.; Application

May 22, 1981.

Take notice that on May 5, 1981, Dow Intrastate Gas Company (Applicant), Route 1, Box 35, Plaquemine, Louisiana 70764, filed in Docket No. ST81-268-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 for authorization to transport 50,000 Mcf of natural gas per day in interstate commerce for Natural Gas Pipeline Company of America (Natural) for 365 days, unless extended, from Lafayette to Iberville Parishes, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that under authorization sought in Docket No. CP81-302-000, Natural would deliver gas to Texas Gas Transmission Corporation (Texas Gas) at Henry, Louisiana, and that under authorization to be sought by Texas Gas, Texas Gas would deliver gas to Applicant at a connection to be established where their pipelines cross in Lafayette Parish. Applicant would redeliver the gas to Natural's customer, The Dow Chemical Company, at its plant near Plaquemine in Iberville Parish.

Applicant proposes to charge a transportation rate of 15 cents per million Btu equivalent of gas. This rate is said to be the same as that contained in a transportation rate schedule now effective for intrastate service on file with the Louisiana Conservation Commission, which covers service comparable to that to be performed for Natural. Applicant states that it will file an application for approval of this rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)).

Applicant states that it believes that the instant service may be accomplished on a self-implementing basis within the contemplation of Section 284.122 of the Commission's Regulations (18 CFR 284.122); however, if specific authorization is required, Applicant requests such authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15834 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4595-000]

Hat Creek Hydro, Inc.; Application for Preliminary Permit

May 20, 1981.

Take notice that Hat Creek Hydro, Inc. (Applicant) filed on April 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. 4595 to be known as Hat Creek Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Floyd Bidwell, Box 547, Cassel, California 96016. 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 5-foot high, 60-foot long natural fill and concrete diversion structure; (2) a 52-inch diameter, 1,800-foot long penstock; (3) a powerhouse containing a single-generating unit with a rated capacity of 1,500 kW; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 12.5 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 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 28, 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 30, 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. 4595. 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. 81-15626 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1895-001]

Henry C. Schwemm, Jr.; Application

May 20, 1981.

The filing individual submits the following:

Take notice that on May 7, 1981, Henry C. Schwemm, Jr. filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice-President, Atlantic City Electric Company
Vice-President and Director, Deepwater Operating Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 10, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15835 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4540-000]

Imperial Irrigation District; Application for Preliminary Permit

May 21, 1981.

Take notice that Imperial Irrigation District (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4540 to be known as the All American Canal Drop No. 1 Project located on the All American Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Leroy Edwards, President, Imperial Irrigation District, P.O. Box 937, 333 E. Main Street, Imperial, California 92251. 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 channel diverting flows from the Water and Power Resources Service's existing All American Canal 170 feet upstream of Drop No. 1; (2) a powerhouse containing two generating units with a total rated capacity of 3.6 MW; (3) a tailrace channel discharging into the canal 200 feet downstream of Drop No. 1; and (4) associated electrical and transmission equipment. The Applicant estimates that the average annual energy output would be 28,900 MWh.

Purpose of Project—Project energy would be used by Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant has already determined that the project would be technically and economically feasible. Further studies would be conducted to determine the financial and environmental feasibility of the project. Applicant estimates that the studies conducted under a permit would cost $60,000.

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 Mitchell Energy Company, Inc.'s Project No. 3773 filed on December 21, 1980, and Energenics Systems, Inc.'s Project No. 3949 filed on January 9, 1981, 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 25, 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. 4540. 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. 81-15836 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4534-000]

Industrial Rehab Partnership; Application for Preliminary Permit

May 20, 1981.

Take notice that Industrial Rehab Partnership (Applicant) filed on April 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4534 to be known as the Stillwater Hydroelectric Project located on the Clear River in the Town of Burrillville, Providence County, Rhode Island. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Industrial Rehab Partnership, 50 New River Road, Manville, Rhode Island 02838. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a dam, 135 feet long and 23 feet high; (2) a reservoir with a surface elevation of 340 feet m.s.l. and 180 acre-feet of storage; (3) an intake structure leading to a headrace, 200 feet long and 15 feet wide; (4) a tailrace about 75 feet long, and new project works to include: (5) a headrace extension about 25 feet long; (6) a powerhouse having units with an installed capacity of 115 kW; and (7) other appurtenances.

The Applicant estimates that the average annual energy output would be about 707,000 kWh.

Purpose of Project—Project energy would be utilized by the Applicant's facilities at the site for internal

commercial or industrial manufacturing purposes or sold to the Blackstone Valley Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for a FERC license. Applicant estimates cost of studies under the permit would be $43,000.

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 30, 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 28, 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 30, 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. 4534. 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. 81-15827 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3852-000]

Jorges Sanchez; Application for Preliminary Permit

May 21, 1981.

Take notice that Jorges Sanchez (Applicant) submitted on December 9, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Structure 77, Moore Haven Lock, Project No. 3582 to be located at the U.S. Army Corps of Engineers' Moore Haven Lock, a flood control project, on the Caloosatchee River, Moore Haven, Glades County, Florida. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jorges Sanchez, 239 Southland Road, Palm Beach, Florida 33480. 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' Lock Project and would consist of: (1) a proposed powerhouse located on the Northern bank of the river; (2) a proposed penstock extending 40 feet in length; (3) transmission lines owned by Florida Power & Light Company; (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 3.95 MW. The proposed project is located on Federal lands. The Applicant estimates that the average annual energy output would be 10.0–14.2 x 10^6 kWh.

Purpose of Project—Energy produced at the proposed site would be sold to Florida Power and Light Company or other industrial users.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies estimated to be $60,000.

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 August 3, 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 2, 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 August 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capitol 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. 3852. 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. 81-15837 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-282-000]

Montana Power Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Waiver of Notice, Denying Request for Rejection, Granting Intervention, and Establishing Procedures

Issued: May 19, 1981

On March 20, 1981, Montana Power Company (Montana) completed its filing of a proposed rate increase [1] for firm power service to Big Horn Electric Cooperative (Big Horn) and Central Montana Electric Generation and Transmission Cooperative, Inc., (Central Montana).[2] Based on the Period I test year ending December 31, 1979, the revised rates would increase revenues to Montana by approximately $178,591.[3] In its March 20 submittals, Montana requested waiver of the notice requirements to permit the rates to become effective on March 15, 1981.

Notice of Montana's filing was issued on February 26, 1981, with responses due on or before March 20, 1981. On March 20, 1981, Central Montana filed a petition to intervene and protest, followed by a supplementary protest on April 10, 1981, concerning Montana's completed filing.

Central Montana asserts that Montana's rate proposals should be rejected because only some of the cost support required by the Commission's filing regulations has been submitted. Alternatively, Central Montana objects to Montana's request for waiver of the notice requirements and the proposed effective date. Central Montana asks that the Commission suspend the rates for the full five-month statutory period. In support of its requests, Central Montana raises various cost of service issues including the price of coal purchased by Montana from a wholly-owned subsidiary, the company's requested working cash allowance, and the determination of Central Montana's demand cost responsibility.

Discussion

Initially we find that Central Montana's participation in this proceeding is in the public interest and, accordingly, the cooperative's petition to intervene will be granted.

We shall deny Central Montana's request to reject the filing because we find that Montana's submittal, as supplemented on March 20, 1981, substantially complies with our filing requirements. *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971). We shall also deny Montana's request for waiver of the notice requirements because good cause for such waiver has not been demonstrated.

Particularly in view of the substantive matters raised by Central Montana, we find that the proposed rates submitted by Montana have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as directed below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While Central Montana has raised issues which are appropriate matters to be considered at an evidentiary hearing, our preliminary review indicates that the filing may not yield excessive revenues. Under these circumstances, a nominal suspension and a refund obligation should provide adequate protection to the affected customers pending the outcome of the hearing. We

---

[1] Montana initially tendered its revised rates on February 17, 1981. By letter dated March 3, 1981, Montana was informed that its filing was deficient.

[2] *See* Attachment A for rate schedule designations.

[3] The abbreviated filing requirements of § 35.13(a)(2) of the Commission's regulations apply in this instance because the proposed rates reflect an annual increase of less than $200,000.

[4] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Company*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

shall therefore suspend Montana's submittal for one day from sixty days after completion of the filing to become effective thereafter on May 21, 1981, subject to refund.

The Commission orders:

(A) Central Montana's request for rejection of Montana's filing is hereby denied.

(B) Montana's request for waiver of the notice requirements is hereby denied.

(C) Montana's rate schedules tendered for filing on March 20, 1981, are hereby accepted for filing and suspended for one day, to become effective on May 21, 1981, subject to refund.

(D) Central Montana's petition to intervene is hereby granted subject to the rules and regulations of the Commission, *provided, however,* that participation by Central Montana shall be limited to matters set forth in its petition to intervene and *provided, further,* that the admission of Central Montana shall not be construed as recognition by the Commission that the cooperative might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Montana's rates.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Such conference shall be held for purposes of expediting discovery, establishing procedural dates, including the filing of testimony and exhibits by Montana, and resolving other appropriate matters. The designated law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Montana Power Company, Docket No. ER81-282-000

Rate Schedule Designations

Supplement No. 10 to Rate Schedule FPC No. 39 (Supersedes Supplement No. 9); Central.

Supplement No. 5 to Rate Schedule FPC No. 40 (Supersedes Supplement No. 3); Big Horn.

[FR Doc. 81-15838 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-325-000]

Mountain Fuel Resources, Inc.; Application

May 20, 1981.

Take notice that on May 8, 1981, Mountain Fuel Resources, Inc. (Resources), Suite 1540, 36 South State Street City, Salt Lake, Utah 84111, filed in Docket No. CP81-325-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) storage service from the Clay Basin Storage Project, Daggett County, Utah, for Mountain Fuel Supply Company (Mountain Fuel), (2) expanded storage service to Nortwest Pipeline Corporation (Northwest), (3) the construction and operation of 18 new injection/withdrawal wells, two 2,600 horsepower compressors (4) installation of valves, meters, and appurtenances at the Kastler compressor station, and (5) the extension of the 1980-81 Clay Basin interim storage arrangements to provide continued storage service to Clay Basin Storage Company (Storage Company) through the 1981-82 heating season, all as more fully set forth in the application which is on file with Commission and open to public inspection.

Resources has developed and desires to continue to develop the potential gas storage capabilities of the Dakota formation of the Clay Basin field. In the instant docket Resources proposes the following.

(1)The use of existing and proposed facilities to render storage service to Mountain Fuel and in so doing to inject for Mountain Fuel's account up to a maximum of 300,000 Mcf of gas per day for no more than 225 days during any injection period and to withdraw and deliver to Mountain Fuel up to a maximum of 75,000 Mcf per day for no more than 150 days during any withdrawal period. Such storage service is required to provide base load storage service for Mountain Fuel's firm distribution.

(2) The use of existing and new facilities to render expanded storage service to Northwest and in so doing to inject for Nortwest's account up to a maximum of 225,000 Mcf of gas per day for no more than 225 days during the 1982 injection period and thereafter and to withdraw and deliver to Northwest up to a maximum of 225,000 Mcf per day for no more than 150 days during the 1982-83 withdrawal period and thereafter.

(3) The use of existing facilities to extend 1980-81 Clay Basin interim storage arrangements between Resources, Northwest, El Paso Natural Gas Company (El Paso) and Storage Company (Resources' Rate Schedule S-2, as amended) through the 1981-82 winter season in order to provide another year of storage protection for El Paso's East of California (EOC) customers.

It is indicated that Resources is currently authorized to inject for Northwest a maximum of 225,000 Mcf of gas per day for a minimum of 150 days and withdraw a maximum of 150,000 Mcf of gas per day for a maximum of 150 days. A 20,000,000 Mcf maximum annual total withdrawal has also been approved. Further, Resources indicated that it is currently authorized to inject on a best efforts basis for the account of Storage Company the maximum volume of gas which can be injected through existing facilities in excess of those volumes delivered by Northwest and to withdraw and deliver to Northwest on the best efforts basis for the account of Storage Company the maximum volume of gas which can be withdrawn in excess of those volumes withdrawn for Northwest's account utilizing existing facilities.

Resources provides storage service to Nothwest under an agreement between Resources and Northwest, dated June 8, 1976, as amended (S-1 agreement) and for El Paso, through Storage Company, under Resources' Clay Basin Interim Storage Service Rate Schedule, dated March 15, 1978 (S-2). Clay Basin has potential natural gas storage capability beyond that currently being utilized, it is asserted; therefore, Resources has entered into the Clay Basin Storage Service Rate Schedule S-3 (S-3 agreement) which provides for Mountain Fuel's participation in the Clay Basin storage operations of Resources. It is asserted further that Resources, Northwest, Storage Company, El Paso, and Mountain Fuel have amended the S-2 agreement to (1) extend the term of the S-2 agreement to October 31, 1982,

(2) permit Mountain Fuel to become a party to the S–2 agreement, (3) allow Mountain Fuel the right to use as cushion gas, for approximately one year commencing May 1, 1981, a maximum of 10,300,000 Mcf of gas owned by Storage Company, and (4) allow Mountain Fuel to take title to such cushion gas commencing after April 30, 1982, in return for which Mountain Fuel would exchange equivalent volumes prior to November 1, 1982.

Resources states that the total estimated cost of the proposed new facilities is $22,689,120 which cost would be financed from funds on hand, as supplemented by short-term borrowing, if necessary.

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. 81-15828 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-326-000]

Mountain Fuel Supply Co.; Application

May 20, 1981.

Take notice that on May 8, 1981, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP81-326-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to operate under a natural gas storage agreement with Mountain Fuel Resources, Inc. (Resources), construct and operate certain interstate transmission facilities, use certain volumes of gas through an agreement with Clay Basin Storage Company (Storage Company), and exchange natural gas with Storage Company and for permission and approval to abandon certain interstate transmission facilities, 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:

(1) The operation under a storage agreement with Resources to effectuate the receipt by Applicant of 3,600,000 Mcf of gas from Resources' storage facility utilizing the Dakota formation of the Clay Basin Field in Dagget County, Utah, at a rate up to 75,000 Mcf of gas per day for a period not to exceed 150 days during the 1981–82 heating season.

(2) The operation under a storage agreeement with Resources, which agreement provides for the delivery of up to 300,000 Mcf of gas per day to Resources for storage at Clay Basin for a period not less than 150 days nor more than 225 days and for the redelivery by Resources of such stored gas to Applicant at the rate of up to 75,000 Mcf per day for not more than 150 days.

(3) The construction of 38.5 miles of 20-inch pipeline for injections and withdrawals at Clay Basin. The 20-inch line would replace 16.60 miles of 10-inch pipeline and be connected to 4.08 miles of existing 20-inch pipeline for a total length of 42.58 miles from Clay Basin to Applicant's Nightingale compressor station in Sweetwater County, Wyoming. Applicant states that the 16.60 miles of 10-inch line would no longer be useful as transmission line and due to its age and inaccessibility would not be salvaged.

(4) The abandonment of the 16.60 miles of 10-inch pipeline.

(5) The use of 10,300,000 Mcf of natural gas in place through an agreement with Storage Company for a period of one year commencing May 1, 1981.

(6) The exchange of 10,300,000 Mcf of gas with Storage Company during the summer of 1982.

Resources provides storage service to Northwest Pipeline Corporation (Northwest) under an agreement between Resources and Northwest, dated June 8, 1976, as amended (S–1 agreement), and for El Paso Natural Gas Company (El Paso), through Storage Company, under Resources' Clay Basin Interim Storage Service Rate Schedule, dated March 15, 1978 (S–2). Clay Basin has potential natural gas storage capability beyond that currently being utilized, it is asserted; therefore, Resources has entered into the Clay Basin Storage Service Rate Schedule S–3 (S–3 agreement) which provides for Applicant's participation in the Clay Basin storage operations. It is asserted further that Resources, Northwest, Storage Company, El Paso and Applicant have amended the S–2 agreement to (1) extend the term of the S–2 agreement to October 31, 1982, (2) permit Applicant to become a party to the S–2 agreement, (3) allow Applicant the right to use as cushion gas, for approximately one year commencing May 1, 1981, a maximum of 10,300,000 Mcf of gas owned by Storage Company, and (4) allow Applicant to take title to such cushion gas commencing after April 30, 1982, in return for which Applicant would exchange equivalent volumes prior to November 1, 1982.

Applicant states that it is in immediate need of natural gas storage capacity to balance its available supply of natural gas with the seasonal requirements of its existing distribution customers and that it has therefore contracted with Resources for service at Clay Basin.

Applicant estimates the cost of the 20-inch pipeline and appurtenant facilities would be $10,833,400 which would be financed through funds on hand, as supplemented by short-term borrowing, if necessary.

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 and 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 Commissioner 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. 81-15829 Filed 5-27-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4323-000]

Northeastern Minnesota Municipal Power Agency; Application for Preliminary Permit

May 21, 1981.

Take notice that Northeastern Minnesota Municipal Power Agency (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4323 to be known as Mississippi River Lock and Dam No. 2 located on Mississippi River in the Dakota County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Norman G. Schroeder, Chairman, Northeastern Minnesota Municipal Power Agency, c/o City of Staples, Staples, Minnesota 56479. 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 proposed powerhouse, located adjacent to the riverward lock, containing generating units having a total installed capacity of 5,200 kW; (2) proposed 69,000-volt transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 35,000,000 kWh.

Purpose of Project—Energy produced at the project would be used by the Applicant to replace capacity and energy purchased under wholesale purchase contracts and to supplement existing coal-fired generations of Applicant's electric system.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies under the permit would be $53,000.

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 Mitchell Energy Company, Inc. Project No. 3650, filed on November 3, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 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. 4323. 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. 81-15840 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-305-000]

Northern Natural Gas Company, Division of InterNorth, Inc., and Natural Gas Pipeline Co. of America; Application

May 22, 1981.

Take notice that on April 24, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603 (Applicants) filed in Docket No. CP81-305-000 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 facilities necessary to attach a new offshore gas supply, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants indicate that they have contracted to purchase all of the natural gas reserves in West Delta Area Blocks 137 and 138 (Block 137 or Block 138), offshore Louisiana.[1] In order to attach these natural gas reserves, Applicants propose to construct and operate approximately 9.5 miles of 10-inch pipeline extending from the producer's platform in Block 138 to a subsea valve on Trunkline Gas Company's (Trunkline) existing 16-inch pipeline in Grand Isle Area Block 82,[2] and metering facilities and appurtenances. Such facilities would provide a capacity of 39,000 Mcf of gas per day, which capacity is needed to transport the estimated maximum daily volumes that are expected to be available to the Applicants, it is stated. Applicants estimate that proved reserves and potential gas supply attributable to Block 137 and Block 138 is approximately 26,989,000 Mcf. These reserves, which are expected to be ready for production this summer, are said to be in the federal offshore domain and would be transported in interstate commerce.

The application states that the proposed facilities would be constructed by Northern and owned jointly by Applicants pursuant to a construction and ownership agreement, which agreement is being negotiated at this time. The cost, ownership, and capacity entitlement of the proposed facilities would be based on the estimated deliverability of 36,000 Mcf per day from Northern's Block 138 reserves and 3,000 Mcf per day from Natural Block 137 reserves, it is said.

Applicants estimate that the total cost of construction of the proposed facilities would be $6,820,000, which cost Applicants would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15839 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1957-000]

Robert C. Young; Application

May 20, 1981.

The filing individual submits the following:

Take notice that on May 12, 1981, Robert C. Young filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Vermont Electric Power Company

Director—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 8, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15841 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-320-000]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Application

May 22, 1981.

Take notice that on May 5, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed in Docket No. CP81-320 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application on file with the Commission and open to public inspection.

---

[1] It is stated that Northern has the right to purchase 100 percent of the gas reserves underlying Block 138, and that Natural has the right to purchase 100 percent of the gas reserves underlying Block 137. Production of gas volumes attributable to both Block 137 and Block 138 would be performed at the producer's platform in Block 138, it is said.

[2] It is stated that Applicants are negotiating transportation agreements with Trunkline to effectuate delivery of their Block 138 and Block 137 gas onshore into their respective systems or into the system of another pipeline company for further transportation.

Pursuant to the terms of an existing gas transportation agreement dated December 31, 1980, between Tennessee and El Paso, Tennessee would receive daily, as permitted in its sole opinion by operating conditions on its system up to the lesser of 20,000 Mcf of natural gas per day or 50 percent of the daily deliverability of the South Marsh Island Block 60, offshore Louisiana, source, not to exceed a total volume of 30,000,000 Mcf during the term of the agreement at a point of interconnection between Tennessee's existing pipeline facilities and Tenneco Oil Company's (TOC) platform in South Marsh Island Block 60 (SMI 60 Receipt Point); and up to 8,000 Mcf per day of gas from the point of interconnection (at Subsea Valve 504A-1301) of the existing Vermilion Block 241 20-inch pipeline owned by Tennessee and Michigan Wisconsin Pipeline Company and a line to be built by El Paso extending from East Cameron Block 237, offshore Louisiana, to such point of interconnection (EC 237 Receipt Point). Tennessee proposes to transport and redeliver such gas less volumes for its fuel use requirements for El Paso's account at a point of delivery in Cocodrie, Terrebonne Parish, Louisiana (Cocodrie Delivery point); and at Tennessee's option, for deliveries not requested at the Cocodrie Delivery point, at the Sabine Delivery Point[1] or at an existing interconnection between El Paso and Natural Gas Pipe Line Company of America (Natural) in southeastern New Mexico (Jal Delivery point).

The application states that El Paso would construct the afore-mentioned line extending from East Cameron Block 237 to the existing Vermilion Block 241 20-inch pipeline at subsea valve 509A-1301 owned by Tennessee and Michigan Wisconsin Pipe Line Company under its current budget-type certificate authorization in order to facilitate the proposed transportation service. El Paso has agreed to reimburse Tennessee for all cost incurred by Tennessee in establishing the point of receipt, it is stated.

For providing the proposed transportation service, Tennessee indicates that El Paso would pay Tennessee each month a volume charge equal to 7.16 cents per Mcf, with provision for a minimum monthly bill.

Tennessee states that the proposed transportation and delivery of gas to the Cocodrie Delivery Point as proposed herein is dependent upon receipt of requested authorization in Docket No. CP75-23-008 to add Cocodrie as a new receipt point, and for the exchange of gas between El Paso and TOC as proposed in Docket No. CP81-243. TOC would make gas available to Tennessee at Cocodrie through a proposed exchange agreement between TOC and El Paso, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15842 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[1] The Sabine Delivery point is the existing interconnection of the facilities of Tennessee with the facilities of Channel Industries-Houston Pipeline Company in Newton County, Texas, it is stated. The application states that Tennessee has no existing arrangements with Natural whereby Natural could deliver gas to El Paso at Jal for Tennessee's account. Such deliveries, however, would be initiated under Order 60 authorizations or as a result of subsequent Section 7(c) authorizations, it is said.

[Docket No. CP80-503-001]

Arkansas Louisiana Gas Co.; Petition To Amend

May 21, 1981.

Take notice that on May 4, 1981, Arkansas Louisiana Gas Company (Arkansas), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP 80-503-001 a petition to amend the order of April 27, 1981, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of 24 additional taps on its jurisdictional pipeline system and related delivery facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Arkansas indicates that the order of April 27, 1981, granted it authorization to construct and operate tap facilities in order to provide natural gas service to 80 residential and commercial customers. Subsequently, 24 additional customers have requested that Arkansas provide similar natural gas service to them. The proposed customers and their locations are as follows:

Name and Location

Wilson Johnson, Pittsburg County, Oklahoma
Jim Phillips, Pittsburg County, Oklahoma
Charles Warren, Latimer County, Oklahoma
Tracy M. Johnson, Latimer County, Oklahoma
Eugene Lee Coplen, Haskell County, Oklahoma
Jeanette M. Hlavaty, Stephens County, Oklahoma
Alber J. Marsh, Pontotoc County, Oklahoma
Bod Cody, Atokoa County, Oklahoma
Truman J. Ely, Pittsburg County, Oklahoma
Wilbur S. Ellerbe, Latimer County, Oklahoma
Gene Boyd Adams, Pittsburg County, Oklahoma
James H. Hall, Atokoa County, Oklahoma
Randal Prince, Phillips County, Arkansas
Richard King, Columbia County, Arkansas
Jim Agee, Jefferson County, Arkansas
Sam L. Popham, Jr., Faulkner County, Arkansas
James R. Woodward, Logan County, Arkansas
B. C. Smith, Clairborne Parish, Louisiana
Pilgrim Farms, Camp County, Texas
R. M. Ferguson, Caddo Parish, Louisiana
Matlack Pipeline, Morehouse Parish, Louisiana
Flenwood Baptist Church, Upshur County, Texas
Ron Mason, Clairborne Parish, Louisiana
Dennis Mix, Morris County, Texas

Arkansas states that the construction and operation of the proposed 24 taps would be similar to the taps and service previously authorized hereunder, and that they would enable it to provide natural gas service to these 24 customers who are outside of Arkansas' distribution system, but along Arkansas'

pipeline to receive needed gas service. All of these customers would receive residental or small commercial service of less than 300 Mcf per day, it is said. Arkansas indicates that deliveries for a residential tap service on days of peak day sales are estimated to be 1 Mcf and deliveries for commercial tap on days of peak day sales are estimated to be 3 Mcf, with deliveries for average day sales being 1.1 Mcf. Arkansas states that the gas supply for service to the proposed customers would be provided from its system supply. The 24 customers would be classified in priorities 1.1 and 1.2 categories for curtailment purposes, it is stated.

Arkansas states that the total estimated cost of construction of each tap would be $720, which cost Arkansas would finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 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. 81-15843 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3519-001]

Beaver Valley Power Co.; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

May 20, 1981.

Take notice that the Beaver Valley Power Company filed with the Federal Energy Regulatory Commission on March 23, 1981, an application for exemption for it's Patterson Hydro Project No. 3519-001 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Beaver River in Beaver County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. L. Gerald Tarantino or Mr. Robert Gonze, Beaver Valley Power Company, P.O. 561, Sixth Street and Second Avenue, Beaver Falls, Pennsylvania 15010.

Project Description—The proposed project would be run-of-the-river utilizing existing facilities and would consist of: (1) an existing dam, approximately 700 feet long and 19 feet high, constructed of rock-filled timber cribs with masonry buttresses and concrete facings; (2) a reservoir having negligible pondage and normal water surface elevation of 718.4 feet m.s.l.; (3) an old intake structure with three headgates at the entrance of (4) a forebay channel approximately 500 feet long; (5) a new powerhouse containing three horizontal quadruplex turbines and generators having a total rated capacity of 3,000 kW (a possible 1,500 kW capacity may be added in the future); (6) a tailrace; (7) new transmission lines; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 20,000,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company and possibly to the nearby Mayer China Company and Republic Steel 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.

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 exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. 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.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before July 9, 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 November 6, 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).

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 9, 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 exemption for Project No. 3519. 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

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-15844 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4559-000]

Clear Creek Community Services District; Application for Preliminary Permit

May 20, 1981.

Take notice that Clear Creek Community Services District (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4559 to be known as Rainbow Lake Power Project located on North Fork of Cottonwood Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Arlan W. Tift, General Manager, Clear Creek Community Services District, 5880 Oak Street, Anderson, California 96007. 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 hydraulic fill dam with a 92 acre reservoir impounding appoximately 3,600 acre-feet; (2) a 3,500-foot long penstock with a 36-inch diameter carrying water from the outlet to a tunnel; (3) a 7,000-foot long tunnel with a 5-foot by 6-foot horseshoe section carrying water to a penstock; (4) an 18,500-foot long penstock with 36-inch diameter carrying water from the tunnel to the power plant; (5) a powerhouse containing a total installed capacity of 3.5 MW; (6) a switchyard containing a 3,750 kVA step-up transformer, line side disconnects and transmission line pull-off to boost the voltage to 12-kV; and (7) a one-half mile long 12-kV transmission line to connect with an existing 12-kV transmission line of the serving utility. The Applicant estimates that the average annual energy output would be 20.4 million kWh.

Purpose of Project—The energy produced by this project would be sold to the Pacific Gas and Electrical Company, the City of Redding or other northern California distribution systems.

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 conduct engineering, geotechnical, economic and environmental studies, negotiate an agreement with the servicing utility for wheeling arrangement for the power generated, prepare State Water rights permits application, and prepare FERC license application. Field studies to rehabilitate the spillway and outlet structure of this existing dam include dynamic analysis of construction materials. No new roads would be required to conduct the studies. The cost of studies to be performed under this preliminary permit would be $20,000.

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 9, 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 8, 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 9, 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. 4559. 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. 81-15845 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-318-000]

Columbia Gulf Transmission Co.; Application

May 21, 1981.

Take notice that on May 4, 1981, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-318-000 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 and appurtenant facilities offshore Louisiana, all as more fully set forth in

the application which is on file with the Commission and open to public inspection.

It is indicated that Columbia Gulf's affiliate is negotiating for the right to purchase natural gas in Block 99 in the South Marsh Area, offshore Louisiana. In order to attach these gas supplies, Columbia Gulf says it is proposing to construct and operate approximately 7.6 miles of 16-inch pipeline and related measurement facilities to connect the production platform A in South Marsh Island Block 99 to an underwater side-tap on the existing 36-inch pipeline in South Marsh Island Block 74 owned by Columbia Gulf and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., known as the Blue Water Project.

The estimated total cost of the proposed facilities is $6,514,000, which cost will be financed by Columbia Gulf, it says, from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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. 81-15846 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-313-000]

El Paso Natural Gas Co.; Application

May 21, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81-313-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain existing meter facilities, with appurtenances, in order to provide natural gas service to Salt River Project Agricultural Improvement and Power District (Salt River) at its Agua Fria Power Plant in Maricopa County, Arizona,[1] all as more fully set forth in the application on file with the Commission and open to public inspection.

El Paso indicates that pursuant to the order of June 3, 1957, in Docket No. G-10808, it constructed and operated, among other things, the Agua Fria meter station in order to measure certain quantities of natural gas sold and delivered by it to Arizona Public Service Company (APS) for resale to Salt River for electric power generation at Salt River's Agua Fria Power Plant. El Paso further states that in 1974, Salt River advised it that Salt River was undertaking the installation at its Agua Fria Power Plant of two Westinghouse ECONO-PAC 501-B1 gas turbine-powered electric generators and one Westinghouse ECONO-PAC 501-B3 gas turbine-power electric generator to be used for intermittent peaking operations, so as to offset peak electrical system loads that occur in Salt River's service area. El Paso also states that it was informed by Salt River that all three gas turbine-power generators would be operated on distillate fuel oil, and that volumes of natural gas would be required for use as an alternate fuel source. El Paso indicates that it agreed at such time to install a new meter run at the Agua Fria Meter Station, after receipt of any necessary regulatory approval, in order to provide APS on behalf of Salt River with sales in interstate commerce of natural gas for resale to be used for the operation of the three turbines. It is indicated that shortly thereafter, however, Salt River reexamined its needs for natural gas supplies as an alternative fuel source in order to operate its three gas turbine-powered generators and such reexamination concluded that the alternative high pressure fuel source at its Agua Fria Power Plant should not be pursued at that time; therefore, the high pressure meter run was no longer necessary to provide a jurisdictional service, it is said. El Paso states that prior to notification of such reexamination, its field personnel installed the high pressure meter run in March, 1974.[2] Because the new meter run was not presently intended to provide a jurisdictional service and would not affect jurisdictional rates, El Paso states that filing an application with the Commission was not necessary. El Paso further states that field personnel were instructed that the high pressure meter facilities could not be operated, unless and until any necessary regulatory authorization was received.

The application states that Salt River recently requested El Paso to provide high pressure natural gas for utilization in its gas turbine-powered generators on a continuous basis. Salt River advised El Paso that the utilization of natural gas in lieu of distillate fuel oil in its gas turbine-powered generators is more advantageous for consumers directly served by Salt River. Consequently, El Paso requests authorization to operate the aforementioned high pressure meter facilities, with appurtenances, in order to provide volumes of high pressure natural gas as required for the operation of Salt River's gas turbine-power electric generators. El Paso avers that there would be no increases in deliveries above those quantities previously authorized at the Agua Fria Power Plant delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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

[1] The facilities which El Paso proposes to operate is a 12-inch dual orifice meter run, with appurtenances, at Salt River's Agua Fria Power Plant as milepost 4.5 on El Paso's 18-inch O.D. Agua Fria Power Plant pipeline, in Maricopa County, it is stated.

[2] El Paso states that at the time it agreed to install the new meter run at the Agua Fria Power Plant, Section 157.7(c) of the Commission's Regulations permitted interstate pipelines that complied with certain requirements of said regulation to add sales meters for existing customers under their budget-type certificate authorization.

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 Commision'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.k

Under the procedure 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. 81-15846 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-312-000, etc.]

El Paso Natural Gas Co., et al.; Public Conference

May 18, 1981.

In the matter of El Paso Natural Gas Company (Docket No. CP81-312-000), Clay Basin Storage Company (Docket No. CP81-314-000), Mountain Fuel Resources, Inc. (Docket No. CP81-325-000), Mountain Fuel Supply Company (Docket No. CP81-326-000), and Northwest Pipeline Corporation (Docket No. CP79-277); Public Conference

Take notice that on May 27, 1981, a public conference will be held to discuss issues raised by the applications of EL Paso Natural Gas Company, Clay Basin Storage Company, Mountain Fuel Resources, Inc., Mountain Fuel Supply Company and Northwest Pipeline Corporation, for certificates of public convenience and necessity in the above captioned proceedings. All of the above proceedings relate in some manner to the operation by Mountain Fuel Resources, Inc. of the Clay Basin gas storage field in Dagget County, Utah.

The conference will be held at 10:00 a.m. at the Commission's offices at 825 N. Capital Street, Washington, D.C., in a room to be announced.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15847 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4547-000]

Hydro Light, Inc.; Application for Preliminary Permit

May 20, 1981.

Take notice that Hydro Light, Incorporated (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4547 to be known as Madden Creek Power Project located Madden 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: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a six-foot high concrete wall to divert the water into the outlet structure; (2) a 5,000-foot long, 42-inch low pressure pipe for transporting the water to the head of the penstocks; (3) a 2,600-foot long, 42-inch diameter penstock to the powerhouse; (4) surging facilities; (5) a powerhouse containing a total installed capacity of 2.4 MW; (6) a one-mile long 12.5-kV transmission line to connect with an existing Pacific Gas & Electric transmission line. The Aplicant estimates that the average annual energy output would be 10.5 million kWh.

Purpose of Project—The energy produced by this project would be sold to the 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 time it would conduct engineering, economic, and environmental studies, conduct property surveys, prepare State water rights permit applications, negotiate with Pacific Gas and Electric Company, and prepare an FERC license application. No new roads are expected to be required to conduct the studies. This project does not involve construction of a dam or a reservoir. The cost of studies to be completed for preliminary permit is estimated to be $60,000.

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 30, 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 28, 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 30, 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. 4547. 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. 81-15849 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4332-000]

Long Lake Energy Corp.; Application for Preliminary Permit

May 20, 1981.

Take notice that Long Lake Energy Corporation (Applicant) filed on March 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4332 known as the Chateaugay High Falls Project located on the Chateaugay River in Franklin 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. Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of: (1) an existing 44-foot high masonry dam, having a crest length of 700 feet; (2) an existing reservoir with negligible storage capacity; (3) and existing intake structure with headgates; (4) an existing penstock leading to; (5) a new powerhouse having units with an installed generating capacity of 2,140 kW; (6) an existing tailrace; (7) new transmission lines and switchyard equipment; and (8) appurtenant works. The existing project facilities are owned by the New York State Electric and Gas Corporation. The Applicant estimates that the average annual energy output would be 9,860,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time 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 to be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than September 28, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before July 30, 1981.

Filing and Service of Responsive Documents—Any filings 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, and the Project Number of this notice. Any of the above named documents 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 RB at the above address. 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. 81-15850 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4472-000]

Niagara Mohawk Power Corp.; Application for Preliminary Permit

May 20, 1981.

Take notice that Niagara Mohawk Power Corporation (Applicant) filed on April 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4472 to be known as the Saranac Project located on the Saranac River in the Towns of Black Brook, Franklin, and St. Armand in Essex, Franklin, and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Terry, Esquire, Niagara Mohawk River Corporation, 300 Erie Boulevard West, 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 redevelop the existing Applicant-owned facilities and would consist of two developments:

A. The Union Falls Development at river-mile 38 comprising: (1) a 151-foot long and 24-foot high dam having a spillway with crest elevation 1,408.5 m.s.l.; (2) an integral 36-foot long intake structure at the dam's left (west) side; (3) a reservoir having a surface area of 1,630 acres at pool elevation 1,409.5 m.s.l.; (4) an 11-foot diameter 1,433-foot long pipeline; (5) a new surge tank; (6) a powerhouse containing two new

generating units having a total rated capacity of 3,500-kW; (7) a new substation; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 11,600,000 kWh.

B. The Franklin Falls Development at river-mile 45 comprising: (1) a 148-foot long and 45-foot high dam having crest elevation 1,463.2 m.s.l.; (2) an integral 28-foot long intake structure at the dam's right (south) side; (3) a reservoir having a surface area of 485 acres at pool elevation 1,465.2 m.s.l.; (4) a 10.5-foot diameter 300-foot long pipeline; (5) a surge tank; (6) two short 10-foot diameter penstocks; (7) a powerhouse containing two new rebuilt generating units having a total rated capacity of 2,485-kW; (8) a substation; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 10,500,000 kWh.

Purpose of Project—Project energy would be sold to Applicant's customers within its service area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would review its completed feasibility study, refine the economic feasibility, assess the environmental impact, collect additional data, consult with Federal, State, and local agencies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $210,000.

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 30, 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 28, 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 30, 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. 4472. 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. 81-15851 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-307-000]

Northwest Pipeline Corp.; Application

May 21, 1981.

Take notice that, on April 28, 1981, Northwest Pipeline Corporation (Northwest), 315 East 200 South, Salt Lake City, Utah 84111, filed in Docket No. CP81-307-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) and Transwestern Pipeline Company (Transwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that its total, present and projected gas supply available to its transmission system exceeds present system requirements on most days during the calendar year. This excess supply, it says, is attributable to reduced sales requirements due to a loss of certain industrial loads with alternate fuel capability and gas supply in excess of its on-system requirements due to increased domestic deliverability and the continued availability of Canadian gas supplies at levels currently authorized for export by the National Energy Board of Canada. Northwest proposes to maximize its purchases from Westcoast Transmission Company Limited (Westcoast) at the international boundary near Sumas, Washington, during the term of an agreement among it, Texas Eastern and Transwestern entered into on March 27, 1981. Northwest says that when it has a total gas supply in excess of its total requirements, inclusive of, but not limited to, all sales requirements under all presently effective rate schedules, direct sales requirements, exchange balancing, storage injections and line pack requirments, it then would tender the gas for sale and delivery to Texas Eastern and Transwestern.

Northwest states that the March 27, 1981 agreement provides for the sale by Northwest, on an as available basis, of volumes of natural gas to Texas Eastern and Transwestern during the three-year

period commening on the date of any authorization granted herein, and then year to year thereafter. Northwest says that the agreement provides for a volumetric limitation of up to 200 million Btu equivalent of gas per day. However, it says there is no obligation, firm or otherwise, on the part of Northwest to sell and deliver to Texas Eastern or Transwestern a specified volume of natural gas during the term of the agreement or on any day thereof. According to Northwest, Texas Eastern and Transwestern are obligated only to accept volumes which either or both determine they would be able to accept. Northwest says the volumes to be sold and delivered may be utilized by either Texas Eastern or by Transwestern as the requirements on their respective systems dictate.

Northwest says that it is presently negotiating a long-term sales contract with Texas Eastern and Transwestern which would provide for the firm sale and delivery of natural gas through October 31, 1989. Northwest also says that, upon execution of the firm contract, it would make the requirement applications to the Commission for the necessary authorization to effectuate the firm sale to Texas Eastern and Transwestern, and that the sale pursuant to the March 27, 1981 agreement would terminate upon the initiation of such firm sale to Texas Eastern and Transwestern.

To the extent that Northwest has volumes of natural gas available for sale, it states that such volumes would be delivered to El Paso Natural Gas Company (El Paso) for the account to Texas Eastern and Transwestern for subsequent transportation and redelivery at a point or points to be agreed upon between El Paso and Texas Eastern and Transwestern. Northwest states that deliveries to El Paso by it would be at an existing point of interconnection between the facilities of Northwest and El Paso in the vicinity of Ingnacio, La Plata County, Colorado, and that no new facilities would be required by it to effectuate the proposal herein. Northwest says that deliveries by it can commence immediately upon the grant of the authorization requested herein.

Northwest says that it proposes to charge Texas Eastern and Transwestern for all gas delivered to El Paso for their accounts a rate consisting of the following components: (a) an amount equal to the price per million Btu paid by Northwest (currently $4.94 per million Btu U.S.) for Canadian gas delivered to Northwest by Westcoast at the Canadian border and (b) 20.34 cents per Mcf of gas delivered which is equal to Northwest's presently effective direct mainline transportation charge currently set forth in Sheet 2 of its FERC Gas Traiff, Original Volume No. 2; and (c) a charge for compressor fuel utilized in the transportation of the volumes of natural gas sold and delivered hereunder based on a current fuel usage of one percent for volumes transported. Compressor fuel would be priced at Northwest's overall system average gas purchase cost. The estimated initial cost of gas delivered to El Paso for the account of Texas Eastern and Transwestern would be approximately $5.17 per million Btu, Northwest says. These charges are set forth in the agreement dated March 27, 1981, and are subject to change as authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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 Rule 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 futher 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 and 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 authorizing the sale and delivery of natural gas is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, of 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. 81-15852 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-546-005]

Northwest Pipeline Corp.; Petition To Amend

May 21, 1981.

Take notice that on May 7, 1981, Northwest Pipeline Corporation (Northwest), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-546-005 a petition to amend the order of April 5, 1979, as amended November 9, 1979, issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Northwest to transport natural gas for Southwest Gas Corporation (Southwest) from additional wells located on additional specified acreage in Uintah County, Utah, Grand County, Utah, and Garfield County, Colorado, as listed and described in Exhibit C to the transportation agreement dated September 12, 1978, as amended, between Southwest and Northwest and to grant authority to transport natural gas for Southwest from areas accessible to its Bar X and Grand Valley Gathering System which may be added to Exhibit C, all as more fully set forth in the petition to amend.

Northwest states that by order of April 5, 1979, as amended November 9, 1979, in the instant docket it was granted authorization to transport up to 20,000 Mcf of natural gas per day for Southwest's account from wells located on specified acreage in Uintah County, Utah, Grand County, Utah, Garfield County, Colorado, and Mesa County, Colorado, as listed and described in Exhibit A to the transportation agreement, to Southwest at either the point of interconnection between Southwest and Northwest on the Idaho-Nevada border in Owyhee County, Idaho, or the point of interconnection between El Paso Natural Gas Company (El Paso) and Northwest in La Plata County, Colorado, pursuant to the terms of a gas purchase, gathering and transportation agreement dated September 12, 1978, as amended April 24, 1979, between Northwest and Southwest.

By the instant amendment, Northwest requests authorization to transport volumes of gas for Southwest from the expanded area in Uintah County, Grand County and Garfield County, described in Exhibit C to the transportation

agreement, as amended May 12, 1980, August 14, 1980, and March 19, 1981. Additionally, Northwest requests authorization to transport gas for Southwest from areas accessible to its Bar X and Grand Valley Gathering Systems which may be added to Exhibit C by future amendments, it is said. Northwest states that the instant proposal would permit the timely connection of volumes of natural gas acquired by Southwest in the vicinity of Northwest's facilities and would obviate the need for Northwest to file for petitions to amend each time Exhibit C is amended to make additional acreage subject to the transportation agreement.

Northwest states that it would continue to transport Southwest's gas to either the redelivery point in Owyhee County, Idaho, or the redelivery point in La Plata County, Colorado. However, from the acreage not listed on Exhibit A but which is listed on Exhibit C of the transportation agreements, Northwest states that it would transport Southwest's gas to only the La Plata County, Colorado redelivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 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 wtih the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15853 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4441-000]

Pacific Power and Light Co., Agent; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 20, 1981.

Take notice that on March 30, 1981, Pacific Power and Light Company, Agent (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Skookumchuck small hydroelectric project (FERC Project No. 4441) would be located at the existing Skookumchuck Dam on the Skookumchuck River in Thurston County, Washington. Correspondence with the Applicant should be directed to: Leighton and Sherline, 1701 K Street, N.W., Washington, D.C. 20006; and Mr. Dexter Martin, Esq., Stoel, Rives, Fraser and Wyse, 2200 Georgia-Pacific Building, 900 S.W. Fifth Avenue, Portland, Oregon 97204. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 160-foot high and 1,340-foot long earthfilled embankment Skookumchuck Dam with an ungated sided channel spillway and fish trapping facilities, and impounding a reservoir with a storage capacity of 35,000 acre-feet; (2) a steel-lined concrete outlet conduit; (3) a powerhouse to be located at the foot of the dam containing one generating unit rated at 980 kW; and (4) a 1.9-mile long three-phase transmission line.

Purpose of Project—The energy generated by the project would be banked with the Puget Sound Power and Light Company.

Agency Comments—The U.S. Fish and Wildlife Service and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the 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. 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 the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Pacific Hydro, Inc. and the City of Tenino's preliminary permit application for Project No. 3654-000 filed on November 3, 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 24, 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 exemption for Project No. 4441. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15854 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4555-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

May 20, 1981.

Take notice that Rust Hydro Generation Company (Applicant) filed on April 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4555 to be known as Potem Creek Power Project

located on Potem Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terrance A. Rust, Rust Hydro Generation Company, 2315 N. Bechelli, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot high natural rock-fill diversion dam creating negligible impoundment; (2) a 3,400-foot long, 36-inch diameter penstock; (3) a powerhouse containing a total installed capacity of 500 kW; and (4) a 12-kV transmission line to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 4.25 million kWh.

Purpose of Project—The energy produced by the project would be sold to the 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 time it would conduct engineering, economic, and environmental studies, apply for State water rights permit, negotiate with Pacific Gas and Electric Company, conduct property line survey, and prepare FERC license. No new roads would be required for these studies. The cost of the studies to be performed under the preliminary permit is estimated to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 30, 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 28, 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 30, 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. 4555. 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. 81-15855 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket CP81-331-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 21, 1981.

Take notice that on May 12, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-331-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas in interstate commerce for United Gas Pipe Line Company (United) from Colorado County, Texas, to Ouachita Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon the transportation of 10,000 Mcf of gas per day for United at the request of United. The service was authorized in Docket No. CP78-248 to be made pursuant to Applicant's Rate Schedule T-65.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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 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. 81-15856 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of April 13 Through 17, 1981

During the week of April 13 through 17, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Borton, Petrini & Conron, 4/16/81, BFA-0636

Borton, Petrini & Conron (Borton) filed an Appeal from a denial by the Assistant Administrator for Energy Operations of the Energy Information Administration of a request for information that the firm had submitted pursuant to the Freedom of Information Act (FOIA). Borton has requested data concerning the prices charged during a particular period by refiners and resellers of butane and propane in specified areas in Region IX. In considering the Appeal, the DOE found that (i) none of the data contained on Form FEA-P302-M-1, Form FEA-P314-M-0, EIA-14 and FEO-96 were responsive to Borton's request and (ii) the Office of Special Counsel, the Office of Enforcement, and the Special Investigations Division of the Office of General Counsel might have documents responsive to the request. Accordingly, the DOE determined that the request should be forwarded to these offices for a determination whether they have any responsive material.

Consumers Power Company, 4/14/81, BEA-0612, BES-0612

Consumers Power Company filed an Appeal from a denial by the ERA to include the firm in the Entitlements Program for the period February 1, 1976 through June 16, 1976. The firm also filed an Application for Stay of the January 1981 Entitlements Notice. The DOE denied the Appeal because it determined that the ERA action was neither erroneous in fact or in law, nor arbitrary or capricious. Since Consumer's Appeal was decided on the merits in the decision, its Application for Stay was no longer necessary and was therefore dismissed.

Engelhard Minerals & Chemicals Corporation, 4/17/81, BFA-0633

Engelhard Minerals & Chemicals Corporation (Engelhard) filed an Appeal from a denial by the Chief Enforcement Counsel to the Northeast District Office of Enforcement of the Economic Regulatory Administration of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the documents and portions of documents withheld by the Chief Enforcement Counsel are properly exempt from mandatory disclosure pursuant to Exemptions 5 and 7(A) of the FOIA, and furthermore, that public interest considerations do not warrant their release. However, the DOE also found that the Chief Enforcement Counsel failed to search the files of the Office of General Counsel and the Offices of Regional Counsel for Regions II and III for documents responsive to Engelhard's request. Accordingly, the DOE determined that the Engelhard Appeal should be granted in part and that the Chief Enforcement Counsel should conduct a search of the General and Regional Counsels' files for reponsive documents and either release such documents to Engelhard or issue a determination explaining why release would be inappropriate.

Hudson, Creyke, Koehler, Tacke & Bixler, 4/16/81, BFA-0620

Hudson, Creyke, Koehler, Tacke & Bixler filed an Appeal from a denial by the Acting Manager of the Idaho Operations Office of a request for information which the firm had submitted under the Freedom of Information Act. In considerating the Appeal, the DOE determined that the Acting Manager correctly whitheld the requested documents pursuant to the qualified privilege for government-generated confidential, commercial information incorporated by Exemption 5. The DOE also determined that the documents were exempt from mandatory disclosure pursuant to the Exemption 5 privilege for predecisional memoranda.

Indian Wells Oil Company, Inc., 4/16/81, BFA-0631

Indian Wells Oil Company, Inc. filed an Appeal from a partial denial by the District Manager of the Economic Regulatory Administration's Central Enforcement District of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the OHA found that certain of the documents which were initially withheld under Exemption 5 contained factually segregable material which should be released to the firm. In addition, the District Manager was directed to search for responsive documents generated subsequent to December 1979 and if any are found, to identify them and make a determination regarding their release. In all other respects, the Appeal was denied.

Standard Oil Company of Ohio (Sohio), 4/14/81, BEA-0203

The Standard Oil Company of Ohio (Sohio) filed an Appeal of a Temporary Exception issued to Energy Cooperative Inc. (ECI) on January 21, 1980. In considering Sohio's request, the DOE noted that Temporary Exceptions are not appealable. Sohio's Appeal was therefore dismissed. However, its submission was incorporated into the objection stage of the ECI proceeding related to the January 21 Temporary Exception.

Request for Modification and/or Rescission

Mid-Continent Systems, Inc., 4/16/81, BRR-0120

Mid-Continent Systems, Inc., filed a document styled as a "motion for reconsideration" of a final Decision and Order issued by the Office of Hearings and Appeals of the Department of Energy. The DOE found that Mid-Continent had failed to proffer any reasons why a final Decision and Order issued over twenty months prior to the filing of its motion should be reconsidered. Accordingly, the firm's request was denied.

Requests for Exception

Kentucky Oil & Refining, Inc., 4/15/81, BEE-0565

Kentucky Oil & Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought entitlement exception relief under the *Delta* standards. In considering the request, the DOE found that exception relief was necessary to relieve the firm of its net entitlement purchase obligation in its 1980 fiscal year.

Ramona Public Works Authority, 4/13/81, BEE-1288

Ramona Public Works Authority filed an Application for Exception in which the municipality sought an exemption from the requirement that if file Form EIA-50 with the DOE. In considering the request, the DOE found that the municipality had failed to demonstrate that it would suffer an unfair or onerous administrative burden if it were required to complete Form EIA-50. Accordingly, the exception relief was denied.

Sentry Refining, Inc., 4/13/81, BEE-1339

Sentry Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements for crude oil purchased for use in its expanded refinery. In considering the request, the DOE found that the firm had failed to demonstrate that any additional volumes of crude oil purchased by the firm were connected with an increased crude oil inventory for its expanded refinery capacity. Accordingly, exception relief was denied.

Warrior Asphalt Company of Alabama, Inc., 4/13/81, BXE-1052, BXE-1477

Warrior Asphalt Company of Alabama, Inc. filed Applications for Exception from the provisions of 10 CFR 211.67 in which the firm requested that it be excused from fulfilling its obligation under the DOE Crude Oil Entitlements Program. In considering the request, the DOE found that exception relief was appropriate under the *Delta* standards to

relieve Warrior of its net entitlement purchase obligation. Accordingly, exception relief was granted.

Witco Chemical Corporation, 4/16/81, BEE-1306

Witco Chemical Corporation filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought entitlements relief which would bring the firm's crude oil acquisition costs into substantial parity with those of other refiners. In considering the request, the DOE found that the firm had not demonstrated that any crude oil acquisition cost disparity which it was experiencing was attributable to the DOE regulatory programs. Accordingly, exception relief was denied.

Request for Stay

Independent Terminal Operators Association, 4/17/81, BES-0149

ITOA filed an Application for Stay of the provisions of an agreement entered into by the Office of Enforcement and the National Oil Jobbers Council on March 23, 1981. The Department of Energy concluded that ITOA had not convincingly demonstrated that it was likely to succeed on the merits of an Appeal of the March 23 agreement or that a stay was warranted on any other grounds. Accordingly, the Application for Stay was denied.

Motion for Discovery

Earl E. Wall, 4/15/81, DRD-0188, DRH-0188

On June 18, 1979, Earl E. Wall filed a Motion for Discovery and a Motion for Evidentiary Hearing with the Office of Hearings and Appeals of the Department of Energy. These Motions were filed in connection with a Proposed Remedial Order which was issued to Wall. In his Motion for Discovery, Wall requested the identity of all documents and persons involved in the enforcement proceedings against Wall and in the promulgation of certain regulatory definitions and records of all communications between DOE personnel and Congress regarding enforcement actions involving the petroleum price regulations. In his Motion for Evidentiary Hearing, Wall states that evidentiary hearing is necessary for him to present the testimony of Joseph Sheldon, a petroleum geologist, of himself, and of any other expert witness deemed necessary.

In considering the Motion for Discovery, the DOE found that a substantial amount of the material requested by Wall was publicly admissible and therefore available to him. The DOE also determined that the requested material would be of little help in resolving issues involved in the PRO proceeding. Consequently, the Motion was denied. In considering the Motion for Evidentiary Hearing, the DOE found that Wall had not presented any factual disputes in his Motion, and therefore, pursuant to 10 CFR 205.64, determined that an evidentiary hearing would be inappropriate. Consequently, the Wall Motion for Evidentiary Hearing was also denied.

Interlocutory Order

Murphy Oil Corporation; Marathon Oil Company, 4/15/81, BRZ-0094, BRZ-0095

Murphy Oil Corporation and Marathon Oil Company filed similar Motions to Strike submissions filed by the Office of Special Counsel (OSC) in connection with Proposed Orders of Disallowance issued to the firms by OSC. Specifically, the firms requested that the Office of Hearings and Appeals strike Motions for Discovery filed by OSC on the ground that memoranda accompanying the discovery motions allegedly failed to demonstrate the relevance or materiality of the information sought. In considering the Motions to Strike, we stated that Motions to Strike materials in the record of an enforcement proceeding would be granted only upon a showing of prejudice to the moving party. Since the firms could not demonstrate prejudice resulting from consideration of the OSC discovery motions, the Motions to Strike were denied.

Supplemental Orders

Husky Oil Company of Delaware, 4/17/81, DEX-0007

On April 17, 1981, the Department of Energy issued a Supplemental Decision and Order which determined that the level of exception relief previously granted to Husky Oil Company of Delaware under the *Delta* standards should be reduced. Under the *Delta* standards as applied to Husky's 1976 fiscal year, the controlling test for calculating the appropriate level of exception relief was the firm's net entitlement purchase obligation. However, the DOE concluded that Husky had received exception relief in excess of its net purchase obligation and that Husky should therefore purchase entitlements worth $840,768.36 to repay the relief which resulted in a net entitlement sale obligation for the firm's 1976 fiscal year.

Husky Oil Company of Delaware, 4/17/81, BEX-0179

Pursuant to an order of the U.S. District Court for the District of Wyoming and an order of the Temporary Emergency Court of Appeals, the Husky Oil Company of Delaware was issued a Supplemental Order which reconsiders the method used to calculate the amount of entitlements exception relief granted in previous decisions issued to the firm on December 15, 1976 and June 2, 1977. The Supplemental Order provides that Husky be relieved of its obligation to purchase any entitlements during the period January 1977 through March 1978. The Order further provides that any obligations to purchase entitlements incurred by Husky during the period April 1978 through December 1980 be stayed, and that Husky be required to submit financial and operating data to enable the DOE to evaluate Husky's eligibility for entitlements exception relief for that period.

Laketon Asphalt Refining, Inc., 4/14/81, DEX-0097

The DOE reconsidered a portion of a Decision and Order issued to Laketon denying the firm's request for entitlement exception relief. Specifically, the DOE reconsidered whether the data used to calculate Laketon's historical profitability should be adjusted to account for an expansion of the firm's refinery facility and whether the "Net Sales" figure which Laketon reported for its 1975 fiscal year should be recalculated. The DOE determined that the expansion of the Laketon's refining facility did not meet the criteria of the *OKC* precedent for an adjustment to a firm's historical financial measurements and that Laketon's "Net Sales" figure for its 1975 fiscal year had been properly calculated.

Navajo Refining Company, 4/13/81, BEX-0189

On its own motion, the Department of Energy issued a Supplemental Order to Navajo Refining Company which relieved the firm of its total entitlement purchase obligation for the period August 1980 through January 1981.

Texas City Refining, Inc., 4/15/81, BEX-0192

The DOE issued a Supplemental Order to Texas City Refining, Inc. in which it rescinded a stay issued to the firm on June 22, 1978 (DES-0071) because it found that the basis for the stay was no longer present.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The request, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued a Decision and Order which determined that the request be granted.

Company Name and Case No.

Colstrip Town Pump, DEE-5883

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed:

Company Name and Case No.

Dennis McMillen, BEO-0674
Wolff Development, Inc., BEE-1498

Dismissals

The following submission was dismissed:

Company Name and Case No.

Mosbacher Production Company, BRO-1336

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 21, 1981.

[FR Doc. 81-15085 Filed 5-27-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL-1836-6; OPP-30035A]

Bibliographies for Registration Standard Cases; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticide Programs (OPP), EPA, has prepared preliminary bibliographies of relevant published and unpublished technical data for each of the 27 pesticide chemicals listed in the "SUPPLEMENTARY INFORMATION" section of this notice. These bibliographies are publicly available to assist those interested in submitting additional relevant data. The Agency published the notice in the **Federal Register** of April 18, 1980 (45 FR 26370), initially listing the pesticide chemicals for which registration standards are being prepared. The notice solicited public comments and data, and announced that bibliographies for the pesticide chemicals were being prepared.

DATE: Requests for a bibliography should be made by July 27, 1981. To obtain a copy of a bibliography, send requests to the contact person named below.

FOR FURTHER INFORMATION CONTACT: Marcia Edwards, Information Services Section (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (703-557-7155).

SUPPLEMENTARY INFORMATION: The first step in developing a registration standard is the compilation of a comprehensive data base to support science and regulatory reviews. EPA initiates this effort by assembling summaries of the following information into a consolidated bibliography: (1) Data submitted to EPA and its predecessor agencies in support of past regulatory decisions, (2) selections from the published technical literature, and (3) other relevant data from EPA or other agency files.

When this step is completed, the resulting preliminary consolidated bibliographies are sent to all affected registrants and, by request, to interested persons.

This notice announces the availability of consolidated bibliographies for the registration standards cases listed below. These materials are available to assist in the submission of additional documents that should be considered in the development of a regulatory position concerning each chemical case.

0042 acephate (*O,S*-Dimethyl acetylphosphoramidothioate)
0041 bromacil & salts (5-Bromo-3-*sec*-butyl-6-methyluracil) (includes: lithium, sodium, and dimethylamine salts of bromacil)
0051 chlorobromuron (3-(4-Bromo-3-chlorophenyl)-1-methoxy-1-methylurea)
0040 chloropicrin (Trichloronitromethane)
0048 chloroxuron (3-[*p*-(Chlorophenoxy)phenyl]-1,1-dimethylurea)
0038 cycloheximide (3-[2-(3,5-Dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide)
0035 dicrotophos (Dimethyl phosphate ester with 3-hydroxy-*N,N*-dimethyl-ciscrotonamide)
0046 diuron (3-(3,4-Dichlorophenyl)-1,1-dimethylurea)
0049 fluometuron (1,1-Dimethyl-3-(alpha, alpha, alpha-trifluoro-*m*-tolyll)urea)
0029 hypochlorites (includes: calcium, lithium, and sodium hypochlorites)
0056 karbutilate (*tert*-Butylcarbamic acid, ester with 3-(*m*-hydroxyphenyl)-1,1-dimethylurea)
0047 linuron (3-(3,4-Dichlorophenyl)-1-methoxy-1-methylurea)
0043 methamidophos (*O,S*-Dimethyl phosphoromidothioate)
0034 methidathion (*O,O*-Dimethyl-*S*-2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-4-methyl-dithiophosphate)
0028 methomyl (*S*-Methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate)
0030 methoprene (Isopropyl (*E,E*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate)
0050 metobromuron (3-(*p*-Bromophenyl)-1-methoxy-1-methylurea)
0045 monuron (3-(*p*-Chlorophenyl)-1,1-dimethylurea) (includes: Monuron and monuron trichloracetate)
0052 neburon (1-Butyl-3-(3,4-dichlorophenyl)-1-methylurea)
0055 norea (3-Hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea)
0044 OBPA (includes: 10,10'-Oxybisphenoxarsine, 10,10' Oxybisphenoxarsine, phenarsazine chloride)
0027 phosalone (*S*-[6-Chloro-3-(mercaptomethyl)-2-benzoxasolinone]*O-O*-diethyl phosphorodithioate)
0053 siduron (1-(2-Methylcyclohexyl)-3-phenylurea)
0031 sulphur
0054 tebuthiuron (*N*-5-(1,1-Dimethylethyl)-1,3,4-thiadiazol-2-yl)-*N,N'*-dimethylurea)
0039 terbacil (3-*tert*-Butyl-5-chloro-6-methyluracil)
0026 zinc phosphide

Persons who have technical documents that they wish the Agency to consider in developing a standard should request a copy of the appropriate bibliography. They should review the bibliography to determine if the Agency already has the document(s) in its collection. Any non-duplicate documents submitted will be added to the EPA collection and, it received on time, will be given full consideration in the standards development process.

When requesting bibliographies, refer to this notice's control number "[OPP-30035A]" and specify whether the bibliography is desired on microfiche or hard copy. The Agency encourages the use of microfiche because it costs less to produce and may be provided more quickly.

The mention of trade or proprietary names does not imply an endorsement by the Environmental Protection Agency or any other Federal Agency.

Dated: May 18, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-15908 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1838-7; PP 9G2160/T298]

Fluridone; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for residues of the herbicide fluridone [1-methyl-[3-phenyl-5-(3-trifluoromethyl) phenyl]-4(1H)-pyridinone] in or on the raw agricultural commodity fish at 0.1 part per million (ppm).

DATE: This temporary tolerance expires June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of October 28, 1980 (45 FR 71422), that Elanco Products Co., A Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, had submitted a pesticide petition (PP 9G2160). The petition proposed that a tolerance be established for residues of fluridone in or on fish at 0.1 part per million.

Elanco Products Co. has requested an extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit (1471-EUP-67) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended

(92 Stat. 819; 7 U.S.C. 136). A food additive regulation (FAP 9H5202) has been extended for residues of fluoridone in potable water resulting from the use of the pesticide under the experimental use.

The scientific data reported and other relevant material have been evaluated and it has been determined that the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. Elanco Products Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 1, 1983. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: April 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-15907 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-32-M

[AMS-FRL-1840-1]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Autosaver"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Autosaver" Device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of Request for Evaluation

On April 16, 1980, the EPA received a request from Mr. Y. Mori for evaluation of a fuel saving device termed "Autosaver." This Device is designed for use on conventional, contact point, ignition systems. This Device is claimed to save fuel and reduce pollution by instantaneously providing the high voltage to the spark plugs in an "ideal" manner.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Autosaver Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-3 consisting of 33 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the Autosaver Device was based on that information.

The Applicant submitted no valid data to support the claim for improved fuel economy or reduced emissions. The Applicant was advised by letter on several occasions of EPA's requirement that the Applicant submit valid test data following the proper EPA test procedures.

Therefore, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Autosaver" Device.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Dated: May 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-15922 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-26-M

[AMS-FRL-1839-8]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Gas Meiser I"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Gas Meiser I" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) the effect of any retrofit device on fuel economy;

(2) the effect of any such device on emissions of air pollutants; and

(3) any other information which the Administrator determines to be relevant in evaluating such device"

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On December 17, 1980, the EPA received a request from Gas Meiser Corporation for evaluation of a fuel saving device termed "Gas Meiser I." This Device is claimed to ". . . increase fuel economy by pre-heating the fuel." The Device consists principally of a gasoline hose wrapped around the vehicle's upper radiator hose.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gas Meiser I under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA-AA-TEB-511-81-1 consisting of 18 pages including all attachments.

Copies of this report may be obtained from the National Technical Information Service by issuing the above report number. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunications System (FTS) 737-4650, Commercial 703-487-4650.

Summary of Evaluation

The stated method of operation of the "Gas Meiser I" is that the "Gas Meiser I" is designed to preheat the fuel and thereby increase a vehicle's fuel economy.

The Applicant submitted no test data with the application for evaluation. Analysis of the information submitted by the Applicant did not *prove* that use of the "Gas Meiser I" would enable a vehicle operator to improve a vehicle's fuel economy.

Previous EPA testing of another device that preheated the fuel showed that preheating the fuel gave no emissions or fuel economy beneifts.

Thus, there is no technical basis to support any claims for a fuel economy improvement due to the use of the "Gas Meiser I" devise.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313-668-4299.

Dated: May 20, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 15021 Filed 5-27-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-342; File No. 21778-CD-P-(01)-80]

AAA Anserphone, Inc.—Jackson; Designating Application for Hearing on Stated Issues

Memorandum Opinion and Order

Adopted May 15, 1981.

Released May 19, 1981.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated Authority, is the above-captioned application of AAA Anserphone, Inc.—Jackson (AAA).

2. The only issue for our consideration is whether the Applicant has demonstrated a sufficient public need for the proposed facility.

3. AAA operates two-way Station KSW215, at Brookhaven, Mississippi, offering service to 30 mobile units and 51 one-way paging units. AAA proposes to transfer the 51 paging units to a new one-way facility to be operated on frequency 158.700 MHz in Brookhaven. Pursuant to 22.501(d)(2) of the Rules, an applicant who already provides two-way service must, provide "full information" to show why paging could not be provided in connection with the base station facilities used for two-way communications. *Airsignal International, Inc.*, 46 FCC 2d 1, 29 RR 2D 1303 (Rev. Bd. 1974). AAA has not provided information as to why it cannot continue to serve its one-way users on its two-way facility. AAA has not shown that it is holding any orders for additional units, and the loading study provided by AAA, pursuant to § 22.516 of the Rules, for its existing facility does not show sufficient loading to justify the grant of another frequency. Consequently, AAA has not justified the grant of the facilities proposed in the referenced application.

4. Accordingly, it is ordered, that the above-referenced application of AAA Anserphone, Inc.—Jackson, File No. 21778-CD-P-(01)-80 is designated for hearing, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issue:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility.

5. It is further ordered, that the hearing be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

7. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-15019 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Radio Broadcasting; Canceled Meeting

May 20, 1981.

At the May 12, 1981, meeting of the Advisory Committee on Radio Broadcasting, it was decided to recess and to reconvene the meeting on May 27, 1981, if subsequent developments indicated that it would be useful to resume discussions on that date.

Mr. Henry L. Baumann, Chairman of the Advisory Committee has announced that a review of the scheduling of preparations for the forthcoming Second Session of the I.T.U. Administrative Conference on AM Radio Broadcasting in Region 2, has indicated that the resumption of the Advisory Committee meeting on May 27, 1981, may not be useful given the short period of time between the May 12 meeting and the scheduled date. Accordingly, Mr. Baumann has announced that the meeting tentatively scheduled for May 27, 1981, will not be held. The next meeting of the Advisory Committee will be announced upon the call of the Committee Chairman.

Copies of additional studies of adjacent channel daytime and nighttime interference completed by the Commission staff, will be available for inspection in Room 8010–D, 2025 M Street, N.W., Washington, D.C. by 9 a.m. Thursday, May 28, 1981. Further information may be obtained by contacting William Hassinger at 632–6460.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15918 Filed 5–27–81; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1288]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

May 21, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System. (BC Docket No. 78–253.)

Filed by: Howard J. Braun & Russell C. Balch, Attorneys for Bogner Broadcast Equipment Corp., on May 12, 1980; Leon T. Knauer, Robert B. McKenna & Kenneth E. Satten, Attorneys for National Translator Association on May 12, 1980; and Erwin G. Krasnow & Valerie G. Schulte, Attorneys for National Association of Broadcasters on May 13, 1980.

Subject: Amendment of Parts 2, 21, 87, and 90 of the Commission's Rules to Allocate Spectrum for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of digital communications services. (Gen Docket No. 79–188, RM–3247.)

Filed by: Philip Handler, President for National Academy of Sciences on May 15, 1981; Janice E. Kerr, J. Calvin Simpson & Peter G. Fairchild, Attorneys for the People of the State of California and the Public Utilities Commission of the State of California on May 18, 1981; and John A. Dudley, Attorney for Contemporary Communications Corporation on May 18, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–15917 Filed 5–27–81; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket Nos. 81–338—81–341; File Nos. 20416–CD–P–79, etc.]

Moore's Service, et al.; Consolidated Hearing on Stated Issues

In re applications of Allen C. Moore d/b/a Moore's Service [1] for a construction permit to establish additional facilities for one-way Station KLF592 to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) at Fort Wayne, Indiana, CC Docket No. 81–338, File No. 20416–CD–P–79; Better Beepers, Inc., for a construction permit to modify facilities of one-way Station KWT926 operating on frequency 158.70 MHz in the DPLMRS at Marion, Indiana, CC Docket No. 81–339, File No. 20854–CD–P–79; South Shore Radio-Telephone, Inc., for a construction permit to establish a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Fort Wayne, Indiana, CC Docket No. 81–340, File No. 20857–CD–P–79; Noah Corporation, for a construction permit to establish a new one-way station to operate on frequency 158.70 MHz in the DPLMRS at Fort Wayne, Indiana, CC Docket No. 81–341, File No. 20865–CD–P–79.

Adopted: May 14, 1981.

Released: May 19, 1981.

1. Presently before the Chief, Common Carrier Bureau, acting pursuant to delegated authority, are the above-captioned applications for construction permits for one-way facilities to operate on frequency 158.70 MHz in the Domestic Public Land Mobile Radio Service (DPLMRS) in Fort Wayne and Marion, Indiana. South Shore Radio-Telephone, Inc., (South Shore) and Allen C. Moore d/b/a Moore's Service (Moore) each filed pleadings protesting the applications of the other and of Noah Corporation (Noah). Responsive pleadings were also filed. By a separate order released today, we denied the petitions and informal objections, found each applicant to be qualified, and determined that a comparative hearing will have to be held since the applications are electrically mutually exclusive. *Allen C. Moore d/b/a Moore's Service,* —— FCC 2d ——, Mimeo 000944, adopted May 14, 1981; released May 19, 1981.

2. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended,[2] the above-referenced applications of Allen C. Moore d/b/a Moore's Service, File No. 20416–CD–P–79, Better Beepers, Inc., File No. 20854–CD–P–79, South Shore Radio-Telephone, Inc., File No. 20857–CD–P–79, and Noah Corporation, File No. 20865–CD–P–79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 43 dBu contours, based upon the standards set forth in § 22.504(a) of the Commission's rules,[3] and to determine and compare the need for the proposed services in said areas; and

---

[1] The Commission recently granted consent to the *pro forma* assignment of Moore's Stations KLF592 and KSJ628, at Fort Wayne, to Better Beepers of Fort Wayne, Inc., which Moore controls (File No. 20229–CD–AL–2–81). *Public Notice*, Report No. 48–A, released December 31, 1980. The assignee is unrelated to Better Beepers, Inc. the Marion applicant. For the sake of clarity, we shall continue to refer to the assignee as Moore.

[2] 47 U.S.C. 309(e).

[3] Section 22.504(a) describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F (50,50) for the facilities involved in this proceeding.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the above-referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the respective applicants with respect to each issue.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

6. It is further ordered, that the Secretary shall cause a copy of this Memorandum Opinion and Order to appear in the **Federal Register.**

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-15816 Filed 5-27-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy

Date of meeting: June 4-5, 1981

Place: National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727

Time: 9:30 a.m. to 5:00 p.m.

Proposed Agenda

June 4: Superintendent's Report/Overview of Academy Operations, Budget FY-1981, Budget FY-1982, Administrator's Report/U.S. Fire Administration, Board of Visitors Annual Report, and such other items that may be of interest to the Board.

June 5: Uncompleted Agenda and Administrative Items.

The meeting will be open to the public with approximately ten seats available on a first-come first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (phone: 301/447-6771) on or before May 28, 1981.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request thirty days after the meeting.

Joseph A. Moreland,

Acting Administrator, United States Fire Administration.

May 19, 1981.

[FR Doc. 81-15817 Filed 5-27-81; 8:45 am]

BILLING CODE 6718-04-M

FEDERAL RESERVE SYSTEM

Affiliated Bankshares of Colorado, Inc.; Acquisition of Bank

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Colorado Bank, National Association, Colorado 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 19, 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 19, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15873 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Binger Agency; Acquisition of Bank

Binger Agency, Inc., Binger, Oklahoma, 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 51.6 percent or more of the voting shares of Binger Community Bank, Binger, Oklahoma. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15877 Filed 5-27-81; 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 section 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 outweight 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 liew 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 agrieved 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 15, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, 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 Lacey, Washington, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and othe 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 regulations; and the originating, for its own account or for the account of others, of first mortgage loans secured by residential or commercial properties. 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 Lacey, 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.

B. 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 Federal Way, 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 regulations; the originating, for its own accout or for the account of others, of first mortgage loans secured by residential or commercial properties. The serviuce 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 Federal Way, 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.

C. Citicorp, New York, New York (consumer finance, insurance activities; California) to expand the activities of an approved office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located at San Jose, California, 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 extensions 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 new activity in which the office proposes to engage *de novo* is: 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. 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. The previously approved service area of the office is comprised of San Mateo, Santa Clara, and Alameda Counties.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

The Wachovia Corporation (mortgage banking, North Carolina): a bank holding company, proposes to engage through a subsidiary known as Wachovia Mortgage Company in the following activities: Providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans, the purchase and sale or placement of mortgage loans, the administration and servicing of mortgage loans, the management and sale of properties acquired through foreclosure or transfers in lieu of foreclosure, and acting as agent for credit life and accident and health insurance and for property and casualty insurance related to extensions of credit. Such activities will be conducted at an office in the following locations: 400 East Main Street, Elizabeth City, North Carolina 27909; 1505 South York Road, Gastonia, North Carolina 28052; 139 West Walnut Street, Goldsboro, North Carolina 27530; and would service the cities in which these offices are located.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp, Portland, Oregon (financing and leasing activities, Kansas, Missouri, Oklahoma): to engage, through its subsidiary, U.S. Bancorp Financial, Inc,, in the making, acquiring, and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or for the account of others, including, but not limited to, commercial, rediscount, installment sales contracts and other

forms of receivables, and leasing of personal property and equipment in conformance with the provisions of section 225.4(6)(a) of the Board's Regulation Y. These activities would be conducted from an office in Kansas City, Missouri, serving Kansas, Missouri, and northeastern Oklahoma.

D. *Other Fedral Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15872 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorp, Inc.; Formation of Bank Holding Company

Central Bancorp, Inc., Nashville, Tennessee, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 93.14 percent of the voting shares of Citizens Central Bank, Murfreesboro, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15879 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Check Guarantee and Check Authorization Activities

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843)c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the activities of its subsidiary, Citicorp Financial Inc., Towson, Maryland.

Applicant states that the existing subsidiary would engage in the additional activities of retail check guarantees and check authorizations. These activities would be performed from offices of Applicant's existing subsidiary in Towson, Maryland, and the geographic areas to be served are Maryland, Pennsylvania, Virginia, Delaware, and the District of Columbia. Such activities have been approved by the Board as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 21, 1981.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15878 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Commercial Security Bancorporation; Acquisition of Bank

Commercial Security Bancorporation, Ogden, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Box Elder County Bank, Brigham City, Utah. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 20, 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 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15883 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

First Bancshares of Seguin, Inc.; Formation of Bank Holding Company

First Bancshares of Seguin, Inc., Seguin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of The First National Bank of Seguin, Seguin, 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 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15880 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

First Foster Bancshares, Inc.; Formation of Bank Holding Company

First Foster Bancshares, Inc., Buna, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of East Texas State Bank, Buna, 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 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15861 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Lorenzo Bancshares, Inc.; Formation of Bank Holding Company

Lorenzo Bancshares, Inc., Lorenzo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Lorenzo State Bank at Lorenzo, Lorenzo, 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 20, 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 facts that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15862 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Lyon Bancorp, Inc.; Formation of Bank Holding Company

Lyon Bancorp, Inc., Eddyville, Kentucky, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 80.88 percent or more of the voting shares of The Bank of Lyon County, Eddyville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15874 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Bancorp, Inc.; Acquisition of Bank

Manufacturers Bancorp, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to First State Bank of Union, Union, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15875 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Proposed Acquisition of A. J. Armstrong Co., Inc.

Security Pacific Corporation, Los Angeles, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of A. J. Armstrong Co., Inc., New York, New York.

Applicant states that the proposed subsidiary would (perform) (engage in) the activities commercial finance and factoring, as well as arranging letters of credit for use in international trade, and holding a full pay-out lease. These activities would be performed from offices of Applicant's proposed subsidiary located in New York, New York, serving the northeastern region of the United States; Chicago, Illinois, Southfield, Michigan, and Cleveland, Ohio, serving the midwest region; Minnesota, serving the north central region; and Beverly Hills, California, serving the western region. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 20, 1981.

Board of Governors of the Federal Reserve System, May 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15875 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

Woodstock State Bancorp., Inc.; Formation of Bank Holding Company

Woodstock State Bancorp., Inc., Woodstock, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to The State Bank of Woodstock, Woodstock, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 20, 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 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-15884 Filed 5-27-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes

AGENCY: Federal Trade Commission.

ACTION: Publication of "Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes.

SUMMARY: The Federal Trade Commission publishes the "Tar", Nicotine and Carbon Monoxide Content of domestic cigarettes.

FOR FURTHER INFORMATION CONTACT: Matthew L. Myers, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-724-1490) or Harold Pillsbury, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202-523-3559).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission's Laboratory has determined the "tar" (dry particulate matter), total alkaloid (reported as nicotine) and carbon monoxide content of 187 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967:

1. Smoke cigarettes to a 23 mm. butt length, or to the length of the filter and overwrap plus 3 mm. if in excess of 23 mm.

2. Base results on a test of approximately 100 cigarettes per brand, or type.

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection".

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C. H. Sloan and B. J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F. J. Schultz' and A. W. Spears' report published in Tobacco Vol. 162, No. 24, page 32, dated June 17, 1966, to determine the moisture content.

5. Determine and report the "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.

6. Carbon Monoxide is determined by non-dispersal infrared spectrophotometer.

Concerning the 187 varieties tested, 18 were capable of being smoked to 23 mm. The butt length of the other 169 varieties tested ranged from 24.5 mm. to an average of between 47.8 and 48.5 mm. The butt lengths of 146 of the 187 varieties tested exceed 30 mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes as distributed by domestic cigarette manufacturers during October and November 1979 in each of 50 geographic locations throughout the country. All varieties of cigarettes were not available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where respective varieties were available. The samples utilized in the tests were representative of the 187 varieties of cigarettes as available throughout the country at the time of purchase.

Due to the initiation of the carbon monoxide testing program, the length of the time between the pick up of the cigarettes tested for this report and the publication of the test results has been longer than normal. Every year some cigarette brands are reformulated, introduced or withdrawn from the market during the testing period. In light of the duration of the current testing period, the number of cigarette brands included in this report which have been reformulated since the cigarettes tested were picked up in late 1979 is higher than normal. The retesting of these brands prior to the issuance of this report would have resulted in a substantial delay in both the issuance of this report and the preparation and issuance of the next report later this year. However, to insure that both consumers and competitors are aware that some of the cigarettes tested for this report have been reformulated, this report also includes a list of those cigarettes which the manufacturers informed the Commission both have been reformulated and now have lower levels of "tar" and/or nicotine according to tests conducted by their manufacturer. Accordingly, consumers and cigarette manufacturers should note that the "tar," nicotine and carbon monoxide figures in the tables of this report for the following brands are based on tests conducted by the FTC on cigarettes which we are advised have subsequently been reformulated. the FTC has not independently verified the statements by the cigarette manufacturers that these brands have been reformulated or the test results submitted by the cigarette manufacturers and, therefore, by the publication of the list of reformulated cigarettes below, the Commission does not attest to the accuracy of the cigarette manufacturers' test results:

Camel, Regular size, non-filter
Camel, King size, filter
Camel Lights, King size, filter
Carlton, King size, filter
Chesterfield, Regular size, non-filter
Chesterfield, King size, non-filter
Chesterfield, King size, filter
Chesterfield, 100mm., filter
Half and Half, King size, filter
Kool Milds, King size, filter, menthol
Kool Super Lights, King size, filter, menthol
L&M, King size, filter
L&M, 100mm., filter
Lark, King size, filter
Lark, 100mm., filter
Marlboro Lights, King size, filter
Merit, King size, filter
Oasis, King size, filter, menthol
Pall Mall Lights, 100mm., filter
Salem, King size, filter, menthol
Salem, 100mm., filter, menthol
Salem Lights, King size, filter, menthol
St. Moritz, 100mm., filter
Tareyton Lights, King size, filter
Tareyton Long Lights, 100mm., filter
Vantage, King size, filter
Vantage, King size, filter, menthol

Vantage, 100mm., filter
Virginia Slims Lights, 100mm., filter, menthol
Winston, King size, filter
Winston, 100mm., filter
Winston Lights, King size, filter

The degree of change in the reported "tar," nicotine and carbon monoxide level of those brands listed above varies from brand to brand. In some cases the change as reported by the respective cigarette manufacturer is only 1 milligram tar and/or .1 of a milligram nicotine. In other cases the change is larger. To obtain information on the current "tar" and nicotine levels of these cigarettes according to the manufacturer, consumers and cigarette manufacturers should check the most current advertisements for those brands.

In this table the varieties of cigarettes are arranged in alphabetical order with "tar" and carbon monoxide values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

We were informed that the formulation of two varieties of True and two varieties of Golden Lights cigarettes were changed and samples were collected according to the prescribed procedure. Results yielded by the new formulation appear in the body of the tables. The results yielded from the old discontinued formulation are as follows:

Brand and type	TPM dry milligram per cigarette	Nicotine milligram per cigarette	Carbon monoxide milligram per cigarette
True, 100mm, filter	9.1	0.69	12.0
True, 100mm, filter menthol	9.7	.70	13.1
Golden Lights 100's, 100mm, filter	8.6	.79	9.3
Golden Lights 100's filter menthol	8.5	.80	10.2

BILLING CODE 6750-01-M

TAR[1], NICOTINE[2] and CARBON MONOXIDE CONTENT of ONE-HUNDRED EIGHTY-SEVEN (187) VARIETIES of DOMESTIC CIGARETTES

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Alpine	king size, filter, menthol	15	1.0	16
American Lights	120 mm, filter	8	0.7	9
American Lights	120 mm, filter, menthol	9	0.8	10
Arctic Lights	king size, filter	8	0.7	10
Arctic Lights	100 mm, filter, menthol	8	0.7	11
Aspen	king size, filter, menthol	9	0.8	11
Aspen	100 mm, filter, menthol	9	0.8	10
Belair	king size, filter, menthol	9	0.8	11
Belair	100 mm, filter, menthol	8	0.7	10
Benson & Hedges	reg. size, filter, (hard pack)	1	0.1	1
Benson & Hedges	king size, filter, (hard pack)	16	1.3	14
Benson & Hedges 100's	100 mm, filter, (hard pack)	15	1.1	17
Benson & Hedges 100's	100 mm, filter, menthol, (hard pack)	16	1.1	18
Benson & Hedges 100's	100 mm, filter	16	1.1	18
Benson & Hedges 100's	100 mm, filter, menthol	16	1.1	18
Benson & Hedges Lights	100 mm, filter	10	0.8	14
Benson & Hedges Lights	100 mm, filter, menthol	10	0.8	13
Brookwood	king size, filter, menthol	7	0.7	8
Bull Durham	king size, filter	27	1.8	26
Camel*	reg. size, non-filter	25	1.9	18
Camel*	king size, filter	19	1.4	21
Camel Lights*	king size, filter	10	0.9	12
Camel Long Lights	100 mm, filter	12	1.0	16
Carlton	king size, filter, (hard pack)	<0.5	0.1	1
Carlton*	king size, filter	1	0.1	2
Carlton	king size, filter, menthol	1	0.1	1
Carlton	100 mm, filter	4	0.4	6
Carlton	100 mm, filter, menthol	4	0.4	6
Chesterfield*	reg. size, non-filter	23	1.4	16
Chesterfield*	king size, non-filter	27	1.7	20
Chesterfield*	king size, filter	15	1.0	17
Chesterfield*	101 mm, filter	16	1.1	18
Decade	king size, filter	5	0.4	4
Decade	king size, filter, menthol	4	0.4	3
Decade	100 mm, filter	9	0.7	8
Doral	king size, filter	12	0.9	12
Doral	king size, filter, menthol	12	0.9	12
Doral II	king size, filter	5	0.4	4
Doral II	king size, filter, menthol	5	0.4	5
DuMaurier	king size, filter, (hard pack)	14	1.0	19
English Ovals	reg. size, non-filter, (hard pack)	22	1.7	13
English Ovals	king size, non-filter, (hard pack)	28	2.3	16
Eve	100 mm, filter	15	1.1	17
Eve	100 mm, filter, menthol	15	1.1	16
Eve	120 mm, filter, (hard pack)	14	1.1	14
Eve	120 mm, filter, menthol, (hard pack)	12	1.0	12
Fatima	king size, non-filter	26	1.7	20
Galaxy	king size, filter	16	1.0	18
Golden Lights	king size, filter	8	0.8	9
Golden Lights	king size, filter, menthol	8	0.7	9
Golden Lights 100's	100 mm, filter	9	0.7	9
Golden Lights 100's	100 mm, filter, menthol	8	0.7	9
Half & Half*	king size, filter	20	1.6	18
Herbert Tareyton	king size, non-filter	27	1.7	20
Home Run	reg. size, non-filter	21	1.3	21
Iceberg 100's	100 mm, filter, menthol	3	0.3	5
Kent Micronite II	king size, filter, (hard pack)	12	1.0	13
Kent Micronite II	king size, filter	12	1.0	14
Kent III	king size, filter	3	0.3	4

* These cigarette brands have been reformulated. See accompanying text.

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.

[2] Milligrams total alkaloids reported as nicotine.

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Kent Micronite II	100 mm, filter	15	1.1	15
Kent Micronite II	100 mm, filter, menthol	14	1.2	15
Kent III	100 mm, filter	4	0.5	7
Kool	reg. size, non-filter, menthol	18	1.1	15
Kool	king size, filter, menthol, (hard pack)	16	1.3	18
Kool	king size, filter, menthol	15	1.2	19
Kool Milds*	king size, filter, menthol	12	0.9	14
Kool Super Lights*	king size, filter, menthol	7	0.6	9
Kool	100 mm, filter, menthol	15	1.1	19
Kool Milds 100's	100 mm, filter, menthol	12	1.0	15
Kool Super Lights	100 mm, filter, menthol	8	0.7	11
Kool International	100 mm, filter, menthol, (hard pack)	9	0.7	11
L & M	king size, filter, (hard pack)	15	1.0	17
L & M*	king size, filter	15	1.0	17
L & M Lights	king size, filter	8	0.7	6
L & M*	100 mm, filter	16	1.1	18
L & M Lights	100 mm, filter	8	0.7	6
L & M	100 mm, filter, menthol	16	1.1	18
Lark*	king size, filter	16	1.1	17
Lark II	king size, filter	8	0.6	8
Lark Lights	king size, filter	8	0.6	8
Lark*	100 mm, filter	17	1.2	19
Lark Lights 100's	100 mm, filter	7	0.6	8
Long Johns	120 mm, filter	16	1.3	19
Long Johns	120 mm, filter, menthol	14	1.2	18
Lucky Strike	reg. size, non-filter	23	1.3	19
Lucky Ten	king size, filter	8	0.6	11
Lucky 100's	100 mm, filter	3	0.3	5
Marlboro	king size, filter, (hard pack)	16	1.0	16
Marlboro	king size, filter, menthol, (hard pack)	15	1.0	15
Marlboro	king size, filter	16	1.1	18
Marlboro Lights*	king size, filter	11	0.8	14
Marlboro	king size, filter, menthol	14	0.9	16
Marlboro	100 mm, filter, (hard pack)	16	1.1	17
Marlboro	100 mm, filter	16	1.1	18
Marlboro Lights	100 mm, filter	11	0.8	15
Max	120 mm, filter	17	1.5	18
Max	120 mm, filter, menthol	18	1.5	19
Merit*	king size, filter	8	0.6	12
Merit	king size, filter, menthol	7	0.5	11
Merit	100 mm, filter	9	0.7	12
Merit	100 mm, filter, menthol	10	0.8	13
Montclair	king size, filter, menthol	16	1.0	18
More	120 mm, filter	22	1.7	26
More	120 mm, filter, menthol	22	1.8	26
Multifilter	king size, filter	11	0.8	12
Multifilter	king size, filter, menthol	12	0.8	13
Newport	king size, filter, menthol, (hard pack)	15	1.2	18
Newport	king size, filter, menthol	17	1.3	19
Newport Lights	king size, filter, menthol	10	0.9	12
Newport	100 mm, filter, menthol	20	1.6	23
Now	king size, filter, (hard pack)	2	0.2	3
Now	king size, filter	2	0.3	3
Now	king size, filter, menthol, (hard pack)	2	0.2	3
Now	king size, filter, menthol	2	0.2	3
Oasis*	king size, filter, menthol	16	1.1	17
Old Gold Straights	king size, non-filter	25	1.6	19
Old Gold Filters	king size, filter	17	1.3	19
Old Gold Lights	king size, filter	9	0.8	11
Old Gold 100's	100 mm, filter	18	1.5	20
Pall Mall	king size, non-filter	24	1.5	19
Pall Mall	king size, filter	17	1.1	19
Pall Mall Extra Lights	king size, filter	7	0.6	8
Pall Mall	100 mm, filter	17	1.3	19
Pall Mall Lights*	100 mm, filter	11	0.9	13

* These cigarette brands have been reformulated. See accompanying text.

BRAND	TYPE	TAR (mg/cig)	NICOTINE (mg/cig)	CARBON MONOXIDE (mg/cig)
Pall Mall Lights	100 mm, filter, menthol	12	1.0	13
Parliament Lights	king size, filter, (hard pack)	8	0.6	10
Parliament Lights	king size, filter	9	0.7	11
Parliament Lights 100's	100 mm, filter	11	0.9	12
Philip Morris	reg. size, non-filter	22	1.5	14
Philip Morris Commander	king size, non-filter	25	1.7	17
Philip Morris International	100 mm, filter, (hard pack)	17	1.2	20
Philip Morris International	100 mm, filter, menthol, (hard pack)	17	1.1	19
Picayune	reg. size, non-filter	22	1.4	22
Piedmont	reg. size, non-filter	22	1.3	15
Players	reg. size, non-filter, (hard pack)	24	1.9	15
Raleigh	king size, non-filter	23	1.4	19
Raleigh	king size, filter	15	1.0	19
Raleigh Lights	king size, filter	9	0.7	11
Raleigh	100 mm, filter	16	1.1	20
Raleigh Lights 100's	100 mm, filter	8	0.8	12
Real	king size, filter	10	0.9	12
Real	king size, filter, menthol	9	0.8	10
St. Moritz*	100 mm, filter	15	1.1	16
St. Moritz	100 mm, filter, menthol	14	1.1	15
Salem	king size, filter, menthol, (hard pack)	16	1.2	19
Salem*	king size, filter, menthol	16	1.1	19
Salem Lights*	king size, filter, menthol	11	0.9	14
Salem*	100 mm, filter, menthol	19	1.5	20
Salem Lights	100 mm, filter, menthol	11	1.0	13
Saratoga	120 mm, filter, (hard pack)	15	1.1	18
Saratoga	120 mm, filter, menthol, (hard pack)	15	1.1	17
Silva Thins	100 mm, filter	13	1.1	12
Silva Thins	100 mm, filter, menthol	11	0.9	11
Spring 100's	100 mm, filter, menthol	19	1.1	19
Tall	120 mm, filter	16	1.3	21
Tall	120 mm, filter, menthol	15	1.2	18
Tareyton	king size, filter	14	0.9	17
Tareyton Lights*	king size, filter	7	0.6	9
Tareyton Ultra Low Tar	king size, filter, menthol	1	0.2	2
Tareyton	100 mm, filter	14	1.0	18
Tareyton Long Lights*	100 mm, filter	7	0.6	9
Tempo	king size, filter	7	0.6	9
Triumph	king size, filter	3	0.4	4
Triumph	king size, filter, menthol	3	0.4	3
True	king size, filter	5	0.4	6
True	king size, filter, menthol	5	0.4	6
True	100 mm, filter	8	0.6	10
True	100 mm, filter, menthol	7	0.6	10
Twist	100 mm, filter, lemon/menthol	16	1.2	18
Vantage*	king size, filter	10	0.8	17
Vantage*	king size, filter, menthol	10	0.8	17
Vantage Ultra Lights	king size, filter	6	0.5	9
Vantage*	100 mm, filter	11	0.9	16
Viceroy	king size, filter	15	1.0	19
Viceroy Rich Lights	king size, filter	8	0.7	11
Viceroy	100 mm, filter	15	1.1	20
Viceroy Rich Lights 100's	100 mm, filter	8	0.7	12
Virginia Slims	100 mm, filter	15	1.0	16
Virginia Slims	100 mm, filter, menthol	14	1.0	16
Virginia Slims Lights	100 mm, filter, (hard pack)	8	0.6	10
Virginia Slims Lights*	100 mm, filter, menthol, (hard pack)	9	0.7	11
Winston	king size, filter, (hard pack)	18	1.3	18
Winston*	king size, filter	19	1.4	21
Winston Lights*	king size, filter	13	1.1	15
Winston 100's*	100 mm, filter	18	1.4	20
Winston Lights 100's	100 mm, filter	13	1.0	17
Winston 100's	100 mm, filter, menthol	17	1.3	18

* These cigarette brands have been reformulated. See accompanying text.

BILLING CODE 6750-01-C

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-15726 Filed 5-26-81; 11:03 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, June 5, 1981, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:00 a.m. to approximately 11:00 a.m. June 5 for discussion of the Biotechnology Resources Program activities in 1981, discussion of the recent meeting of Principal Investigators, and to plan future Committee activities for 1981 and 1982. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from approximately 11:00 a.m. to adjournment on June 5 for review of 1981 funding plans and the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B-13, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496-5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B-41, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: May 21, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15861 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

Pharmacological Sciences Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, July 9-10, 1981, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on July 9 from 8:45 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on July 9, from approximately 10:00 a.m. to 5:00 p.m. and on July 10, from 9:00 a.m. to adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of committee members. Substantive program information may be obtained from Dr. Anthony Demsey, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland, Telephone: 301, 496-7125.

(Catalog of Federal Domestic Assistant Program 13-859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: May 21, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-15860 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, June 12, 1981, in conjunction with the Board of Scientific Counselors, Division of Cancer Treatment, in the Lobby Room, at the Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland 20014.

The entire meeting of the Panel will be open to the public from 8:30 a.m. to adjournment. The meeting will include a discussion of the Division of Cancer Treatment Toxicology Testing Protocol. Attendance by the public will be limited to space available.

Mrs. Winfred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Richard A. Tjalma, Executive Secretary, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5854) will furnish substantive program information.

Dated: May 21, 1981.

Thomas E. Malone,

Thomas E. Malone, Deputy Director.

[FR Doc. 81-15862 Filed 5-27-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evalution of what is known of the safety and clinical effectiveness of ambulatory blood pressure monitoring using a semiautomatic portable recording device for evaluation of hypertension in patients with evidence of cardiovascular disease.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center

with information relevant to this evaluation should do so in writing no later than August 26, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: May 20, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81–15623 Filed 5–27–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–27284]

Alaska Native Claims Selection

This document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Pub. L. (Pub. L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On July 24, 1979, Patent No. 50–79–0124 and Interim Conveyance No. 216 were issued to Cook Inlet Region, Inc., for approximately 214.30 and 3,118.08 acres respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) and are described as follows:

Patent Number 50–79–0124 of July 24, 1979

Seward Meridian, Alaska

T. 13 N., R. 4 W.
Sec. 3, Lots 6, 11, 12, and 19, SW¼NW¼, W½SE¼NW¼, NW¼NW¼SW¼;
Sec. 4, Lots 14 and 17, E½SE¼SE¼SE¼.
Containing 98.65 acres.

T. 14 N., R. 4 W.
Sec. 35, E½NW¼SW¼;
Sec. 36, Lot 1.
Containing 57.90 acres.

T. 15 N., R. 4 W.
Sec. 26, Lot 2, NW¼SW¼.
Containing 57.75 acres.
Aggregating 214.30 acres.

Interim Conveyance No. 216 of July 24, 1979

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 4 W.
Tract C–2 excluding N½N½ of Sec. 9;
Tract 1–C, Terrane Terrace Alaska Subdivision;
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, Block 4, Terrane Terrace Alaska Subdivision;
Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, Block 5, Terrane Terrace Alaska Subdivision;
Sec. 16, that portion of the NE¼ easterly of Block 5, Terrane Terrace Alaska Subdivision.
Containing approximately 515.09 acres.

T. 15 N., R. 4 W.
Those portions of Tract "A" more particularly described as (protracted):
Sec. 4, that portion westerly of the Tract "A" survey line;
Sec. 28, SE¼SE¼;
Those portions of Tract "B" more particularly described as (protracted):
Secs. 5 and 6, all;
Sec. 8, all;
Sec. 17, NE¼;
Sec. 33, E½ portion of Tract A–1, and Block 1, Terrane Terrace Alaska Subdivision.
Containing approximately 2,602.99 acres.
Aggregating approximately 3,118.08 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands with no Sec. 17(b) easements reserved. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–79–0124 and Interim Conveyance No. 216, respectively.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Any party known or unknown who is adversely affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until June 29, 1981, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 81–15689 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

Application for Public Land Withdrawal; Public Hearing

May 15, 1981.

Notice is hereby given that public hearings will be held on Tuesday, July 14, 1981 and on Wednesday, July 15, 1981, for the purpose of obtaining public testimony on an application for public land withdrawal. The hearings will be held as follows:

Tuesday, July 14, 1981—Picuris Room, Albuquerque Convention Center, 2nd Street NW., Albuquerque, New Mexico, sessions begining at 10:00 a.m., 1:00 p.m. and 7:00 p.m.

Wednesday, July 15, 1981—Civic Center Auditorium, National Park Highway, Carlsbad, New Mexico, sessions beginning at 1:00 p.m. and 7:00 p.m.

On November 7, 1980, the U.S. Department of Energy filed application

number NM–43012 to withdraw approximately 8,960 acres of public land from settlement, sale, location or entry under the general land laws, including the Mining and Mineral Leasing Laws and the Geothermal Steam Act of 1970. It was published in the Federal Register on November 17, 1980. The lands are described as follows:

New Mexico Principal Meridian, New Mexico

T. 22 S., R. 31 E.,
Sec. 15;
Sec. 17;
Sec. 18, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 19, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 20;
Sec. 21;
Sec. 22;
Sec. 27;
Sec. 28;
Sec. 29;
Sec. 30, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 31, lots 1, 2, 3, 4, inclusive, E½, and E½W½;
Sec. 33;
Sec. 34.

The area described contains approximately 8,960 acres in Eddy County, New Mexico.

The Department of Energy requests that this land be reserved for the exclusive use of the DOE for the purposes of protecting the geological integrity of the site for the research and development of a Waste Isolation Pilot Project and performing a Site and Preliminary Design Validation Program. The site is in Eddy County, New Mexico, approximately 25 miles southeast of Carlsbad.

Persons who wish to comment on the proposed land withdrawal may do so by presenting public testimony at one of the above hearing sessions or they may submit their written comments for the record to the State Director, Bureau of Land Management, Santa Fe. Comments must be received by July 31, 1981 in order to be considered.

Persons who wish to testify at one of the hearing sessions should contact the State Director (912) at the address below and indicate the preferred time and place of their testimony. Every attempt will be made to schedule testimony so that all may be heard at the approximate time requested. Oral presentations will be limited to a 10 minute summation of key points.

Complete written testimony may be made a part of the record at the hearings by submitting a copy to the legal reporter at the time of testimony.

Persons who do not make an advance request to present their testimony will be allowed to speak providing there is time remaining. The persons must register at the beginning of each hearing period and will be placed within the schedule if time allows. Persons are urged to make advance registrations to speak.

The testimony taken must relate only to the withdrawal question as that is the issue to be decided by the Bureau of Land Management. Comments on the feasibility of the nuclear program in general, or other issues outside of the responsibility of the BLM and the Department of the Interior will not be heard. The hearings will be conducted by an administrative law judge of the Department of the Interior and all comments both oral and written will be made a part of the record used to make the final decision on the withdrawal.

All requests for information or scheduling for this project should be addressed to the undersigned, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Charles W. Luscher,

State Director.

[FR Doc. 81–15713 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–16383]

Idaho; Proposed Withdrawal and Reservation of Lands; Correction

May 19, 1981.

In FR 81–11689, filed April 16, 1981, and appearing on page 22467 of the issue for April 17, 1981, the following correction should be made:

The legal description should read:

Boise Meridian

T. 11 S., R. 16 E.,
Sec. 5, SW¼SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 22, SW¼SW¼SE¼;
Sec. 35, [S½N½NE¼SW¼SW¼, S½NE¼SW¼SW¼, and SE¼SW¼SW¼ except the east 50' thereof]; NW¼SE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼SW¼.
T. 12 S., R. 16 E.,
Sec. 14, S½NE¼;
Sec. 24, NE¼NW¼, S½NW¼.
T. 11 S., R. 17 E.,
Sec. 33, S½NE¼SE¼SE¼, SE¼SE¼SE¼, E½SW¼SE¼SE¼.
T. 12 S., R. 17 E.,
Sec. 4, S½NE¼;
Sec. 7, W½SE¼NW¼;
Sec. 11, NE¼SW¼, S½SE¼NW¼.
T. 12 S., R. 18 E.,
Sec. 1, N½SE¼;
Sec. 4, SE¼Ne¼;
Sec. 6, Lot 7.

William E. Ireland,

Acting Chief, Branch of L. & M. Operations.

[FR Doc. 81–15809 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Albuquerque District, N. Mex.; District Advisory Council Meeting

The Albuquerque District Advisory Council will meet July 1, 1981, at The Inn, 700 Scott Avenue, Farmington, New Mexico, from 9 a.m. until 3 p.m. The morning session will be a joint meeting with the San Juan River Regional Coal Team, during which both groups will receive a briefing on the BLM Farmington Resource Area's Planning Update of Coal.

The public is welcome to attend all portions of the District Advisory Council meeting which is expected to formulate coal-related recommendations to the Albuquerque District Manager during the afternoon session. Statements by the public may be made to the council at 1 p.m. A time limit may be imposed for each statement depending on the number of people wishing to speak to the Council.

The agenda will include: a joint briefing with the Regional Coal Team on the BLM Farmington Resource Area Office's coal-related land use recommendations; comments from individual Advisory Council members to the Regional Coal Team; comments from the public to the Advisory Council; discussion of protection mechanisms available for valuable archeological sites located in regions of high coal potential and Bureau policy mitigating displacement of Native Americans for surface mining; and recommendations by the Advisory Council to the Albuquerque District Manager concerning the BLM Farmington Resource Area's land use recommendations.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

May 18, 1981.

[FR Doc. 81–15912 Filed 5–27–81; 8:45 am]

BILLING CODE 4310–84–M

[NM–929]

New Mexico; Termination of Classification of Public Lands for Multiple Use Management

May 18, 1981.

1. On March 9, 1967 (FR Vol. 32, No. 46, pages 3894–3895), the public lands described in the notice aggregating approximately 1,053,000 acres were classified for multiple use management under the Act of September 19, 1964, and segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7

and 9, and 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under Item 1 above is hereby terminated. This action will restore the lands to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. The lands have been open continually to the mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,

Chief, Division of Technical Services.

[FR Doc. 81-15714 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet June 16, 1981. The meeting will convene at 9 a.m. in the conference room at the Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR. Focus of the meeting will be the four land use alternatives recently drafted and published in summary form.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:15 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by June 9, 1981. Depending upon the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and photocopying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: May 18, 1981.

Melvin D. Berg,

Acting District Manager.

[FR Doc. 81-15910 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Redelegation of Authority by State Director

Pursuant to the authority contained in Section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority to take action under Section 2.6(K) as to mining claim instruments filed for record with BLM under 43 CFR 3833 was redelegated to the Chief, Branch of Records and Data Management (FR Doc. 77-25067 filed August 29, 1977: 8:45 am).

The above redelegation (effective August 30, 1977) is revoked as follows: "The authority to reject filings and void claims located on lands not available for mineral location on the dates of location."

The authority to take action on the item above is hereby redelegated to the Chief, Branch of Lands and Minerals Operations.

Dated: May 15, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-15813 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Mailing Address Change

AGENCY: Bureau of Land Management, Lewistown District.

ACTION: Mailing Address Change.

SUMMARY: This notice is for a mailing address change only. No change in office location has occurred.

ADDRESS: Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457 (406/538-7461).

Dated: May 18, 1981.

David E. Little,

Acting District Manager.

[FR Doc. 81-15911 Filed 5-27-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-79111. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to PREMIER HOMES, INC., of Bozeman, MT, of Certificate No. MC-124790 issued April 7, 1970, to Premier Homes, Inc., of Bozeman, MT, authorizing the transportation of *mobile homes and house trailers*, between Bozeman, MT, and West Yellowstone, MT, serving no intermediate points: from Bozeman over U.S. Highway 191, to West Yellowstone, and return over the same route; and mobile homes and house trailers between points in Yellowstone National Park, located in Idaho, Montana, and Wyoming. Applicant's representative is: James J. Screnar, Attorney, 215 West Mendendenhall—P.O. Box 1122, Bozeman, MT. 59715. TA application has not been filed. Transferee presently holds no authority from the Commission.

MC-FC-79116. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SCOTT'S TRUCKING, INC. of Permit No. MC-139247 (Sub-No. 1) issued March 3, 1977 to Cooper Brothers, Inc. authorizing the transportation of *such merchandise* as is used, sold, or dealt in by wholesale, retail, and chain grocery and food business houses (except commodities in bulk), from points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Michigan, Indiana, Alabama, Ohio, Georgia, Florida, New York, Pennsylvania, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, New Jersey, and District of Columbia, to the warehouse, storage, and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, GA, Columbia, SC, Raleigh, NC, and Norfolk, VA, under continuing contract(s) with Colonial Stores, Inc. of Atlanta, GA. Note: (1) Transferee is a non-carrier (2) An application for temporary authority has not been filed. Applicant's representative: Jack K. Huff, 1776 W. Peachtree St. NW, Atlanta, GA 30309.

MC-FC-79117. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and transfer rules at 49 CFR, Review Board Number 3 approved the transfer to BROWN TRANSPORT, INC., West Alexander, OH of Permit MC-144211 (Sub 2F issued May 17, 1979 and MC-144211 Sub 3) issued March 16, 1981 to Brown & Sons, Inc. authorizing (1) the transportation of slag (except scrap metal), in bulk, in dump vehicles, from Middletown, OH, to Gas City, Marion, Winchester, and Dunkirk, IN, under continuing contract(s) with the Calumite Company, of Trenton, NJ, and (2) the transportation of scrap metal, in dump vehicles, between points in OH, IN, KY, WV, MI, and PA, under continuing contract(s) with The David J. Joseph Co. of Cincinnati, OH. Applicant's representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Transferee holds authority under No. MC-146893 and Subs. TA lease is not sought.

MC-FC-79120. By decision of April 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SELBY INVESTMENTS, INC. of Certificate No. MC-42710 (Sub-No. 1F) issued August 12, 1980 to Normadic Enterprises, Inc. authorizing the transportation of passengers and their baggage and camping equipment, in special operations, in camping tours between specified points in ME, NH, CT, RI, CA, NY, MA, NJ, GA, FL, LA, TX, MI, CO, WA, MN, OR, AK, NM and DC on the one hand, and, on the other points in the United States including AK but excluding HI restricted at Logan International Airport, MA to transportation having a prior or subsequent movement by air. Applicant's representative is: David M. Marshall, Esq., Marshall & Marshall, 101 State Street, Suite 304, Springfield, MA 01103.

MC-FC-79121. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to JOHN J. VETERI LEASING CORP., West Paterson, NJ of Certificate No. MC-7680 (Sub-No. 5F) issued on February 23, 1981 to Bowman Bros. Trucking Co., Inc., West Paterson, NJ authorizing the transportation of flat glass and glass glazing units from Cinnaminson and Pansauken, NJ; Stone Mountain, GA; and Miami, FL; Lancester, OH; St. Louis and Truesdale, MO; Carson and Fullerton, CA; to points in the U.S. (except AK and HI). Applicant's representative is: Joseph Veteri, 48 Harding Ave., Totowa, NJ 07512. Transferee is not a carrier. Transferee is not seeking TA lease authority.

MC-FC-79122. By decision of April 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to D.M.R. TRANSPORT (1975) LTD., of Grindrod, B.C., Canada, of Certificate No. MC-143415 (Sub-No. 1F) issued December 19, 1978 to Wholesale Delivery Service (1972) LTD., of Burnaby, B.C., Canada, authorizing the transportation, by irregular routes, of *general commodities* (except motor vehicles, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment), between the port of entry on the International Boundary line between the United States and Canada at or near Blaine, WA, on the one hand, and, on the other, Blaine, WA, subject to the restrictions that the traffic has a prior or subsequent movement in foreign commerce and it either originates at or destined to Blaine, WA, or Vancouver, British Columbia, Canada. Applicant's representative is: Ben R. Brown, P.O. Box 68927, Riverton, Heights Br., Seattle, WA 98188.

MC-FC-79123. By decision of May 1, 1981, issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR Part 1133, Review Board Number 3 approved the transfer to ALL WORLD TRAVEL, INC. d.b.a. ALL WORLD TOURS of Sulphur Springs, TX 75482 of License No. MC-130305 issued to Louise K. Whitefield d.b.a. Travel Sophisticates of Dallas, TX 75238 authorizing *Passengers and their baggage*, in sightseeing and pleasure tours, beginning and ending at Dallas, TX, and extending to points in the United States (including Alaska and Hawaii), engaging in brokerage operations at Dallas, TX. Applicant's representative: James E. Pulis, Jr., 4700 First International Bldg., Dallas, TX 75270. Transferee is not a carrier.

MC-FC-79126. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SUE ROBERTS and ROBERT K. DIEHL, d.b.a. GEORGE F. ROBERTS TRUCKING, of Walnutport, PA, of Certificate No. MC-22611 issued September 21, 1942 and April 9, 1943 to George F. Roberts, of Walnutport, PA, authorizing the transportation of (1) *slate and slate products*, from Slatington, PA, and points within 15 miles of Slatington, to New York, NY, Washington, D.C., points in Connecticut and New Jersey, and points within 10 miles of Washington, D.C.; (2) *Empty barrels*, from Lehigh Gap, PA, to Jersey City, NJ; and (3) *Chemicals*, in truck loads, from Bayonne, Grasselil, and Jersey City, NJ, to Lehigh Gap, PA. Applicants' representative: William A. Steckel, 1036 Main Street, Slatington, PA, 215-767-3861.

MC-FC-79129. By decision of May 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to PARKER BROTHERS TRUCKING CORPORATION, of Lake City, MI, of Permit No. MC-146574 (Sub-No. 2F) issued December 15, 1980 to Orin Gray Trucking Co., of Lake City, MI, authorizing the transportation over irregular routes, transporting (1) *raw forgings*, from the facilities of Lake City Manufacturing Co., at or near Lake City, MI, to Allentown, PA, Louisville, KY, and Fort Wayne and Mishawaka, IN; (2) *steel*, from Cleveland and Canton, OH, Lackawanna and Buffalo, NY, Gary, IN, and Johnstown, PA, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) in (1) and (2) with Lake City Manufacturing Co., of Lake City, MI; and (3) *steel*, from the facilities of Republic Steel Corporation at or near (a) Buffalo, NY, (b) Canton, Cleveland, and Youngstown, OH, (c) Chicago, IL, and

(d) Gary, IN, to the facilities of Lake City Manufacturing Co., at or near Lake City, MI, under continuing contract(s) with Republic Steel Corporation, of Cleveland, OH. Transferee holds no authority from this Commission. No application for temporary authority was filed. Applicant's representative is: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 489–5724.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15938 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte MC 43]

Lease and Interchange of Vehicles by Motor Carrier

Decided: May 19, 1981.

Road Rail Transport, Ltd. (No. MC–151037) has filed a petition for waiver of paragraph (d)(1) of § 1057.12 of the Lease and Interchange of Vehicle Regulations (49 CFR Part 1057) with respect to equipment augmentation between petitioner and various non-petitioner authorized carrier lessors, including any potential authorized carrier lessors, who have agreed to be, or will become, agents of petitioner in performing pickup and delivery services in conjunction with subsequent or prior rail movement.

Findings

1. The evidence presented does not warrant granting the waiver requested between petitioners and authorized carrier lessors, including future authorized carrier lessors, who are not parties to this petition.

It is ordered

1. The petition of Road Rail Transport, Ltd., for waiver of paragraph (d)(1) of Section 1057.12 is denied.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15939 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Notice Finance Docket No. 29653]

Railroad Car Service Pooling Application; Filing and Proposed Special Rules of Procedure

May 21, 1981.

An application, as summarized below, has been filed by certain railroad companies (in their own names or through Trustees) under 49 U.S.C. 11342(a) for authority to enter into an agreement for the pooling of car service with respect to multi-level cars ("pooling agreement") and (b) for approval of said agreement. The railroads listed as applicants are:

The Baltimore and Ohio Railroad Company
Burlington Northern Incorporated
The Chesapeake and Ohio Railway Company
Chicago and North Western Transportation Company
Consolidated Rail Corporation
The Denver & Rio Grande Western Railroad
Detroit, Toledo & Ironton Railroad Company
Member Railroads of the Family Lines Rail System (Seaboard Coast Line Railroad Company, Louisville and Nashville Railroad Company and Subsidiary Railroads)
Florida East Coast Railway Company
Grand Trunk Western Railroad Company
Illinois Central Gulf Railroad Company
Missouri Pacific Railroad Company
Norfolk and Western Railway Company
Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor
St. Louis Southwestern Railroad Company
Southern Pacific Transportation Company
Southern Railway Company
Union Pacific Railroad Company
Western Pacific Railroad Company

The Application and the pooling agreement propose to enable the applicants to pool multi-level car service to the extent specified by the pooling agreement and subject to its terms and limitations. The applicants seek to improve distribution of multi-level railroad cars utilized to transport motor vehicles in order to achieve greater efficiency consistent with equitable treatment of participating railroads, satisfy customer and public needs, and minimize unproductive empty car mileage and unproductive fleet investment. The applicants also seek to collect such information and conduct such research and development projects and experiments as may further improve the design, acquisition, assignment, distribution and use of multi-level cars.

Under the proposed pooling agreement, the applicants will agree with each other (a) to establish and implement means for distributing multi-level cars in a more cost-efficient manner than could be achieved by action of individual railroads, (b) to permit the employment of individuals or companies with management experience in car utilization in order to achieve the more cost-efficient distribution of multi-level cars assigned to shippers, (c) to collect information and conduct research and development in order to improve the design, acquisition, assignment, distribution and use of multi-level cars, and (d) to share the costs and expenses associated with the Pooling Agreement.

Participation in the pool will not be limited to the railroads which have joined in the filing of the application, but will be open to other United States railroads who become signatories to the pooling agreement and comply with its provisions. If the Application is approved, applicants have requested that a period of 180 days following the effective date of the Commission's order to be provided for this purpose.

A copy of the Application is on file and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. In addition, applicants have offered to mail each interested party a copy of the Application upon receiving a request therefor addressed to counsel for the Applicants: Michael Boudin, Esq., Covington & Burling, 888 Sixteenth Street, N.W., Washington, D.C. 20006.

Any person desiring the participate in the proceedings with respect to the Application may file a pleading stating the nature of its interest and its position with respect thereto, within 30 days after this notice is published in the **Federal Register**, with a copy to be served on Applicants' counsel, Michael Boudin, at the address stated above.

In the opinion of applicants, the requested Commission action will not constitute a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 *et seq.*) and the Commission's regulations (49 CFR 1106.1 *et seq.*) nor will it constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (49 U.S.C. 4321 *et seq.*) and the Commission's regulations (49 CFR Parts 1108 *et seq.*). Any protest may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation, energy efficiency or the environment. If any such impacts are alleged, the statement shall be accompanied by supporting data indicating the nature and degree of the anticipated impact and, if alleging the presence of a significant impact on the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, shall include the data required by the Commission's regulations (49 CFR 1108.12(e)).

The Commission has adopted the following Special Rules of Procedure for this proceeding:

1. Evidence will be gathered through the submission of written verified statements in accordance with the following provisions: (1) Applicants'

verified statements are those accompanying their application; (b) other verified statements in support of the application shall be due 20 days after this notice is published in the **Federal Register**; (c) any protests submitted shall be filed with the Commission 30 days after this notice is published; (d) verified reply statements by all parties shall be due 20 days thereafter; and (e) no oral hearing is contemplated.

2. If the application is approved, a period of 180 days following the effective date of the Commission's order shall be provided during which other carriers of property by railroad shall be authorized to join the pooling agreement.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15835 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 52)]

Baltimore & Ohio Railroad Co.—Discontinuance of Operations and Abandonment Between Copperweld and Fairport Harbor, OH; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated May 26, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment or discontinuance of operations by the Baltimore and Ohio Railroad Company of its line of railroad known as the Lake Branch, in Trumbull, Geauga and Lake Counties, OH. The segments of line proposed for abandonment line between Copperweld, OH (milepost 94.38) and Painesville, OH (milepost 136.34), and between milepost 137.38 and milepost 139.01 at Fairport Harbor, OH. Discontinuance of operations is proposed between milepost 136.34 and milepost 137.38 at Fairport Harbor, OH. The abandonment and discontinuance of operations are subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting this abandonment unless within 15 days from the date of this publication, the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of an abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, an abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 C.F.R. 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-16119 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 88]

Motor Carrier; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 22, 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.

James H. Bayne,

Acting Secretary.

MC 19550 (Sub-11)X, filed May 13, 1981. Applicant: THE OBSERVER TRANSPORTATION CO., 1001 Pressley Rd., P.O. Box 34245, Charlotte, NC 28234. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 9 certificate to broaden the commodity description from (a) newspapers, magizines, periodicals, and other publications to "printed matter" and (b) general commodities, with exceptions to "general commodities (except classes A and B explosives)" and remove the general commodity weight restriction.

MC 23618 (Sub-68)X, filed May 7, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-Nos. 10, 24F, 39F and 54F certificate by broadening the commodity descriptions from earth drilling machinery and equipment and machinery, equipment materials, supplies and pipe in Sub-No. 10, part 3 of Sub-Nos. 24F, 39F and Sub-No. 54F to "machinery and metal products."

MC 32882 (Sub-166)X, filed May 11, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 128 and 149 certificates to (1) broaden the commodity description from tractors (except tractors used in connection with highway trailers), lift trucks, excavators, motor graders, scrappers, engines, generators, road rollers, pipe layers, and dump trucks, designed for off-highway use, parts, attachments, and accessories to "machinery and transportation equipment" in Sub-No. 128; (2) eliminate the facilities limitation and expand one-

way to radial authority between Vermillion, Macon, Tazewell, Coles, Peoria, and Sangamon Counties, IL, Scott County, IA, and Lake County, OH, and, points in OR, WA, ID, MT, WY, CO, UT, NV, AZ, and CA in Sub-No. 128; and (3) remove the restrictions "except commodities in bulk, automobiles, trucks, and buses", "except on traffic moving in foreign commerce", and against traffic having a prior or subsequent movement by rail or water in Sub-No. 149.

MC 46200 (Sub-4)X, filed May 11, 1981. Applicant: NEEDLES MOVING & STORAGE COMPANY, P.O. Box 7855, Cambers Station, St. Louis, MO 63106. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to broaden the commodity description from household goods to "household goods and furniture and fixtures" in each certificate.

MC 69107 (Sub-15)X, filed May 14, 1981. Applicant: ALL STATES ASHPHALT, INC., Amherst Road, Route 116, P.O. Box 91, Sunderland, MA 01375. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 13 and 14 certificates to: (1) broaden the commodity descriptions to "petroleum, natural gas, and their products", from petroleum products and heating oils; (2) remove the "in bulk" restrictions in Sub-Nos. 13 and 14; (3) replace county-wide authority of Hartford, New Haven, and Middlesex Counties, CT, Hampden and Hampshire Counties, MA, and Rensselaer and Albany Counties, NY, for the specific point authority of Hartford, East Hartford, New Haven, Wethersfield, Middletown, Portland, Glastonbury, and Rocky Hill, CT, Springfield and Holyoke, MA, and Rensselaer, NY wherever they appear in the above numbered authorities; and (4) authorize radial service in lieu of one-way authority between the above named counties, and, NH, VT and 4 counties in MA.

MC 95876 (Sub-401)X, filed May 15, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 328 certificate in order to (1) broaden the commodity description in part (1) from iron and steel articles to "metal products" (2) eliminate the AK and HI exception, and (3) delete the in bulk restriction.

MC 107064 (Sub-150)X, filed May 8, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220998, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75222. Applicant seeks to remove restrictions in its Sub-Nos. 125F, 126F, 128F certificates to (1) remove the restriction limiting service to the transportation of traffic originating at and/or destined to named points, in Sub-Nos. 125F and 128F, (2) replace facility or city-wide authority with county-wide authority: (a) facilities at or near Port Neches, Conroe and Austin, TX, with Jefferson, Montgomery and Travis Counties, TX, in Sub-No. 125F, (b) facilities at or near Pasadena, TX, with Harris County, TX, in Sub-No. 126F, and (c) facilities at or near Texas City, TX, with Galveston County, TX, in Sub-No. 128F, (3) authorize radial authority to replace existing one-way service between specified coutnies in TX and points in various combinations of States throughout the U.S., in Sub-Nos. 125F and 128F and (4) remove the exceptions of AK, HI and the origin State of TX in Sub-No. 126F.

MC 110144 (Sub-23)X, filed May 11, 1981. Applicant: JACK C. ROBINSON d.b.a. ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, TN 37912. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 7, 9, 11F, 13, 14, and 15 certificates, and in Sub-No. 19 which was issued pursuant to MC–F–12963 in which no certificate has yet been issued, to (1) remove general commodity restrictions, except Class A and B explosives, (2) remove the restriction in Sub-No. 11F, which is restricted to the transportation of traffic received from or delivered to connecting carriers at Memphis, TN and Jackson, MS, (3) allow service at all intermediate points on its regular-route authority as follows: between Chattanooga and Memphis, TN; Calderwood, TN and junction TN 58 and I–40 near Kingston, TN; Knoxville and Kyles Ford, TN; and between junction TN hwy 33 and U.S. hwy 25E and Morristown, TN; (4) delete "serving junction I–40 and TN hwy 40 for joinder only" in Sub-No. 9; and (5) change off-route points to county-wide authority as follows: Holiday Industrial Park to DeSoto County, MS, in Sub-No. 13; Tennga to Murray County, GA, in Sub-No. 14.

MC 112304 (Sub-259)X, filed May 5, 1981. Applicant: ACE DORN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its certificates in various Sub-Nos. mentioned below to (1) broaden the commodity descriptions from (a) used contractor's equipment, modular mausoleum crypt systems, precast reinforced concrete trenching systems, and parts and accessories, cement asbestos pipe and fittings, beams, piling, rails, railway track accessories, bridge railing, highway railing pipe drivers, and pipe extractors to "contractors' equipment, materials and supplies, and parts and accessories therefor" in Sub-Nos. 1, 94, 112, 122, 178F and 198F; (b) uncrated new office and institutional furniture, fixtures, and equipment, uncrated cooling or freezing boxes and refrigerators, with or without freezing apparatus, and other uncrated new store fixtures and equipment to "office, institutional and store furniture, fixtures and equipment, and cooling and refrigeration equipment" in Sub-No. 1; (c) cooling towers and fluid coolers and parts and accessories, heat exchangers and equalizers for air, gas, or liquids, machinery and equipment, blast, open hearth or electric furnace machinery, equipment and parts, foundry machinery, equipment and parts, valves, and machinery parts, electrical substations, self-propelled hydraulic cranes, lift trucks, hoist, refrigeration, air conditioning, and heating systems, industrial storage batteries, cranes, pipe making machinery, vehicle lifts, material handling equipment, tractor and agricultural machinery parts and attachments, fireplace air heaters and ventilators, and parts and accessories, pollution control equipment, and pollution control products, and grain, milling and processing machinery, components and supplies to "machinery" in Sub-Nos. 6, 42, 56, 69, 82, 84, 86, 87, 97, 103, 104, 121, 123, 137F, 146F, 162F, 189F, and 244F; (d) iron and steel and iron and steel articles, guard rail, prefabricated steel buildings, aluminum and aluminum products, aluminum tubing when shipped in mixed loads, structural steel, iron and steel angles, bars, channels, conduit, lath, piling, pipe, posts, rails, rods, roofing, tubing, and wire in coils, lead, lead alloys, fabricated aluminum products, copper articles, scrap aluminum, pipe, fittings, valves, hydrants, castings, zinc, zinc alloy, zinc products, fabricated metal products, ferro alloys, zinc alloy ingots and aluminum ingots, metal buildings and component parts of metal buildings, steel pipe, couplings, well castings, well screens and tubing, metal roofing and siding, nickel iron chromium alloys, cast iron valves and hydrants, aluminum billets and aluminum ingots to "metal products" in Sub-Nos. 7, 11, 17,

25, 27, 32, 33, 37, 40, 41, 43, 45, 49, 50, 51, 52, 53, 57, 62, 65, 87, 97, 106, 107, 109, 117, 118, 121, 127, 128, 130F, 131F, 138F, 139F, 140F, 141F, 150F, 152F, 154F, 158, 159, 162F, 166F, 168F, 170F, 174F, 175F, 176F, 178F, 181F, 185F, 186F, 187F, 189F, 192F, 194F, 196F, 203F, 206, 207F, 211, 217F, 218F, 224F, 233F, 234F, 235F, 236F, 239F, 240F, and 243F; (e) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-Nos. 23, 71, 105, 116 and 179F; (f) truck cabs, railway track materials, tractor, motor vehicle parts and motor vehicle accessories, railway materials, railway equipment, and railway accessories, railway car wheels, locomotive wheels, railway axles, and railway bearings to "transportation equipment" in Sub-Nos. 27 (page 2), 88, 146F, 155F, 169F and 184F; (g) plywood, hardboard, and lumber to "lumber and wood products" in Sub-Nos. 35, 38, and 156F; (h) refractories and refractory products to "clay and refractory products" in Sub-Nos. 44, 58, 61, 70, and 198F; (i) silicon carbide and brick to "clay, concrete, glass or stone products" in Sub-Nos. 54 and 237F; (j) plastic pipe, and hydrants, valves, fittings, couplings, to "plastic and metal products" in Sub-Nos. 55, 76, and 113; (k) plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets to "plastic, rubber and metal products" in Sub-Nos. 68, 110, and 125; (l) electric precipitators and parts of electric precipitators to "pollution control equipment" in Sub-Nos. 59 and 87; (m) buildings, building panels, building parts, metal buildings, complete, knocked down, or in sections to "metal products and building materials" in Sub-Nos. 72, 73, and 74; (n) lead oxide and litharge to "chemicals and related products" in Sub-No. 97; (o) brick facing and bricking facing mounted on panels, and equipment, materials and supplies used in the installation and sale of the foregoing commodities to "building materials" in Sub-Nos. 100 and 120; (p) buildings, building panels, building parts, and materials, accessories and supplies to "metal products and building materials" in Sub-Nos. 102 and 134F; (q) reinforced fiberglass, plastic and fabricated metal articles to "fiberglass and fiberglass products, plastic and plastic products, and metal articles" in Sub-No. 101; (r) asbestos fibre cement pipe and concrete cylinder pipe to "pipe" in Sub-Nos. 163F and 195F; (s) sweeping machines, power brooms, power sweepers, road maintenance equipment, and road materials handling equipment to "machinery, self-propelled vehicles and equipment, and parts attachments and accessories" in Sub-No. 180; (t) electric light poles and electric wire poles, parts, accessories and supplies to "electrical equipment" in Sub-No. 214F; (u) storage and warehouse pallet racks, bins and shelving to "lumber and metal products, and equipment, materials, and supplies" in Sub-No. 219F; (v) wood pulp, and wood pulp and paper products to "lumber, wood and paper products" in Sub-No. 245; (w) water heaters, boilers, glass-lined tanks, and garbage disposals to "heaters, boilers, tanks and machinery" in Sub-No. 136F; and (x) ferro alloys, silico maganese, silicon metal, and scrap metal to "alloys, ores and metal products" in Sub-No. 147F; (2) eliminate the facilities limitations in Sub-Nos. 6, 7, 17, 23, 27, 35, 38, 40, 41, 42, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 62, 68, 71, 72, 73, 74, 82, 84, 87, 88, 101, 102, 103, 105, 107, 109, 110, 111, 113, 116, 118, 121, 122, 123, 124, 125, 126, 127, 128, 130F, 131F, 134F, 135F, 136F, 138F, 139F, 140F, 141F, 142F, 143F, 144F, 145F, 146F, 147F, 150F, 152F, 153F, 154F, 155F, 156F, 158F, 159F, 160F, 162F, 163F, 166F, 168F, 169F, 170F, 174F, 175F, 177F, 178F, 179F, 180F, 181F, 184F, 185F, 186F, 189F, 192F, 194F, 195F, 196F, 197F, 203F, 206, 207F, 211F, 214F, 217F, 218F, 219F, 220F, 234F, 235F, 236F, 239F, 240F, and 244F; (3) change one-way to radial authority between points in numerous States; (4) replace city with county-wide authority wherever it appears from Norwood, OH and points within 3 miles of Norwood to Hamilton County, OH, and Campbell and Kenton Counties, KY; Louisville to Jefferson County, KY; Evansville to Vanderburgh County, IN; Flint to Genesee County, MI; Winchester to Clark County, KY; Hickman to Fulton County, KY; Lima to Allen County, OH; New Albany to Floyd County, IN; Springfield to Washington County, KY; New Orleans to Orleans Parish, LA; Wilimington to New Hanover County, NC; Hawesville to Hancock County, KY; Bowling Green to Wayne County, KY; Benton to Marshall County, KY; Eminence to Henry County, KY; Kokomo to Howard County, IN; Carrollton to Carroll County, KY; Hicksville to Defiance County, OH; Murphysboro to Jackson County, IL; Buckhannon to Upshur County, WV; South Strabane Township to Washington County, PA; Indiana Oaks to Kankaka County, IL; Goose Lake to Grundy County, IL; East Greenville to Stark County, OH; Warren to Trumball County, OH; Adrian to Lenawee County, MI; Springdale to Washington County, AR; Galesburg to Knox County, IL; Birmingham to Jefferson County, AL; Portland to Summer County, TN; Davison to Genesee County, MI; Port Washington to Ozaukee County, WI; Beardstown to Cass County, IL; Danville to Vermilion County, IL; Kankakee to Kankakee County, IL; Fort Smith to Sebastian County, AR; Herculaneum to Jefferson Co., MO; St. Paul to Ramsey County, MN; Joplin to Jasper County, MO; Dallas to Dallas County, TX; Annville to Lebanon County, PA; Owensboro to Daviess County, KY; Glover to Iron County, MO; Bristol to Elkhart County, IN; Pell City and Ragland to St. Clair County, AL; Coshocton to Coshocton County, OH.; Hazeton to Luzerne County, PA; Rensselaer to Jasper County, IN; Paducah to McCracken County, KY; Pulaski to Giles County, TN; Wharton to Morris County NJ; Perryman to Harford County, MD; Columbia to Richland County, SC; Lacooche to Pasco County, FL; Kansas City to Wyandotte County, KS; South Beloit to Winnebago County, IL; Solon to Cuyahoga County, OH; Romeo to Macomb County, MI; Madison to Jefferson County, IN; Waynesboro to Franklin County, PA; Buckeystown to Frederick County, MD; New Madrid to New Madrid County, MO; Lancaster to Lancaster County, PA; Magnolia to Columbia County, AR; Rockwall to Rockwall County, TX; Hawesville to Hancock County, KY; Ferndale to Whatcom County, WA; Alexandria to Douglas County, MN; Lawrence to Essex County, MA; Taunton to Bristol County, MA; Indianapolis to Marion County, IN; Georgetown and Andrews to Georgetown County, SC; Lenoir City to Loudon County, TN; Birmingham to Jefferson County, AL; Springfield to Clark County, OH; New Bremen to Auglaize County, OH; Louisville to Jefferson Co., KY; Houston, TX to Harris County, TX; Wilton to Muscatine County, IA; Phillipsburg to Warren County, NJ; Rock Island and East Moline to Rock Island County, IL; Rock Falls and Sterling to Whiteside, County, IL; Calvert City to Charleston County, SC; Eagan to Ramsey County, MN; Hagerstown to Washington County, MD; Fresno to Fresno County, CA; San Jose to Santa Clara County, CA; Thomson to McDuffie County, GA; Darlington to Darlington County, SC; Steubenville, Mingo Junction, and Yorkville to Jefferson County, OH; Martins Ferry to Belmont County, OH; Canfield to Mahoning County, OH; Allenport to Washington County, PA; Monessen to Westmoreland, PA; Benwood to Marshall County, WV; Wheeling to Ohio County, WV; Beech Bottom and Follansbee to Brooke County, WV; Shreveport to Caddo County, LA; Fullerton to Orange County, CA; Union City to Obion County, TN; Waukegan to Lake County, IL; Ravenswood to

Jackson County, WV; East Liverpool to Columbiana County, OH; Atchinson to Atchinson County, KS; St. Joseph to Buchanan County, MO; Maple Heights to Cuyahoga County, OH; New Johnsonville to Humphreys County, TN; Jewett to Leon County, TX; La Porte to La Porte County, IN; Parkersburgh and Washington to Wood County, WV; Hickman to Fulton County, KY; Newport to Washington, County, MN; Keokuk to Lee County, IA; Lubbock to Lubbock County, TX; Coalton to Boyd County, KY; Huntington to Cabell County, WV; Gridley to McLean County, IL; Jackson to Butts County, GA; Idabel to McCurtain County, OK; Longview to Gregg County, TX; Bagdad to Armstrong County, PA; Brackenbridge to Allegheny County, PA; Coatesfille to Chester County, PA; West Leechburg to Westmoreland County, PA; New Castle to Henry County, IN; Conroe to Montgomery County, TX; Grand Prairie to Dallas County, TX; Victoria to Victoria County, TX; Springfield to Green County, MO; Rockwall to Rockwall County, TX, Rainsville to Dekalb County, AL; Newport and Wilker to Campbell County, KY; Monroe to Monroe County, MI; Beaumont to Jefferson County, TX; Quincy to Adams County, IL; Franklin Park to Cook County, IL; Abingdon to Knox County, IL; Burlington to Des Moines County, IA; Bettendorf to Scott County, IA; Devault to Chester County, PA; Aberdeen to Moore County, NC; Bellevue to Huron County, OH; Wagoner to Wagoner County, OK; New Orleans to Orleans Parish, LA; Milwaukee to Milwaukee County, WI; Cullman to Cullman County, AL; Coatesville to Chester County, PA; Conshohocken to Montgomery County, PA; Stanton to Powell County, KY; Ashville to St. Clair County, AL; Toledo to Lucas County, OH; Alton and Madison to Madison County, IL; Hammond and East Chicago to Lake County, IN; Marietta to Lancaster County, PA; Russellville to Franklin County, AL; Anniston to Calhoun County, AL; Sebree to Webster County, KY; Chalmette to Saint Bernard Parish, LA; Frederick to Frederick County, MD; Coldwater to Branch County, MI; Parlin and New Brunswick to Middlesex County, NJ; Sandusky to Erie County, OH; Phoenix to Maricopa County, AZ; Burlington to Alamance County, NC; Winton to Hertford County, NC; Amarillo to Potter and Randell Counties, TX; and West Point to King William County, VA; (5) remove the following restrictions (a) in truckloads in Sub-No. 1; (b) on trailers in Sub-Nos. 5, 90, 98, and 198; (c) except in dump vehicles in Sub-Nos. 130F, 142F and 147F; (d) originating at or destined to in Sub-Nos. 7, 17, 23, 27, 40, 41, 42, 43, 45, 50, 52, 55, 56, 57, 61, 62, 68, 71, 72, 73, 74, 76, 84, 86, 88, 101, 102, 103, 118, 124, 130F, 131F, 135F, 138F, 139F, 142F, 143F, 144F, 146F, 150F, 153, 169F, 177F, 179F, 180F, and 197F; (e) in bulk in Sub-Nos. 17, 30, 38, 40, 43, 44, 57, 58, 68, 70, 72, 73, 102, 103, 104, 111, 117, 123, 125, 127, 131F, 134F, 138F, 139F, 144F, 147F, 150F, 152F, 160F, 168F, 169F, 170F, 174F, 175F, 178F, 180F, 186F, 189F, 230F, 206, 207F, 211F, 214F, 219F, 233F, 234F, 235F, 236F, and 240F, (f) AK and HI in Sub-Nos. 33, 38, 42, 59, 71, 72, 73, 76, 84, 87, 88, 104, 106, 117, 123, 124, 135F, 137F, 139F, 147F, 152F, 153F, 162F, 169F, 174F, 179F, 180F, 181F, 184F, 185F, 186F, 187F, 189F, 196F, 197F, 203F, 214F, 218F, 219F, 233F, 236F, and 244F; (g) ex-water in Sub-Nos. 38, 105, and 116; (h) ex-rail in Sub-Nos. 105 and 116; (i) except Mercer commodities in Sub-Nos. 45 and 68; (j) size and weight restriction in Sub-Nos. 5, 42, 81G, 87, 97, 98, 106, 117, 148, and 198F; (k) in containers in Sub-No. 54; (l) in foreign commerce in Sub-Nos. 71, 84, and 138F; (m) in bulk, in tank vehicles in Sub-Nos. 77, 185F, 194F, 196F and 197F; (n) restriction against shipments moving to points in Canada in Sub-No. 84; (o) HI and Sub-Nos. 97, 101, 111, 112, 113, 194F and 198F; and (p) except pig iron and scrap and metal, in dump vehicle in Sub-No. 159F.

MC 112588 (Sub-37)X, filed April 29, 1981, previously noticed in the **Federal Register** of May 12, 1981 republished as corrected in this issue. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Appliant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 17, 18, 20, 22, 24, 26, 27, 30F, 31F, 32F, 34F, 35F, and 36F certificates to (1) broaden the commodity description to (a) "clay, concrete, glass or stone products" from cement in lead and Sub-Nos. 4, 5, 6, 7, 9, 14, and 18, plaster in Sub-No. 3, gypsum and gypsum products in Sub-Nos. 11, 13, 24, and 26, insulating materials in Sub-No. 22, mineral fiber products in Sub-No. 26, and cement and mortar in Sub-No. 27; (b) "building materials" from plasterboard, plasterboard joint system and gypsum block plank in Sub-No. 3, roofing materials in Sub-Nos. 15, 17, and 22, composition board and gypsum board paper in Sub-No. 26, prefabricated metal building products, ventilators, ventilator parts, air louvers, and prefabricated building metal work in Sub-No. 36F; (c) "metal products" from fabricated metal products and iron and steel coils and sheets in Sub-No. 20, steel pipe in Sub-No. 32F, pipe in Sub-No. 35F, iron and steel articles in Sub-Nos. 30F, 31F, and 34F, (d) "chemicals and related products" from adhesives and paint products in Sub-No. 28; (2) replace facilities limitations and specific point authority with citywide or county-wide authority to (a) Erie County, OH, from Baybridge, OH in lead, facilities at Avery, OH in Sub-Nos. 15 and 17, (b) Ottawa County, OH from facilities at Gypsum, OH in Sub-Nos. 3, 13, and 26, (c) Lawrence County, PA, from Wampum, PA, in Sub-Nos. 4, 5, 7, 9, 14, and 18, (d) Martin County, IN for facilities at Shoals, IN in Sub-No. 11, (e) Trumbull County, OH for facilities at Warren, OH in Sub-No. 20, (f) Granville County, NC for facilities at Granville County, NC in Sub-No. 22, (g) River Rouge, MI for facilities at River Rouge, MI in Sub-No. 24, (h) Muskingum County, OH for East Fultonham, OH in Sub-No. 27, (i) Putnam County, WV for Nitro, WV in Sub-No. 27, (j) Allegheny County, PA for McKeesport, PA in Sub-No. 32F, (k) Lorain County, OH for Lorain, OH in Sub-No. 32F, (l) Mahoning County, OH for Youngstown, OH in Sub-No. 32F, (m) Beaver County, PA for Ambridge, PA in Sub-No. 36F, (n) Fayette County, IN for Connersville, IN in Sub-No. 36F, (o) Clermont County, OH for Batavia, OH in Sub-No. 36F, (p) Beaver County, PA for facilities at Aliquippa, PA in Sub-No. 30F, (q) Allegheny County, PA for facilities at Pittsburgh, PA in Sub-No. 30F, (r) Warren, MI for facilities at Warren, MI in Sub-No. 30F, (s) Stark County, OH for facilities at Louisville, OH in Sub-No. 31F, (t) Cleveland, OH for facilities at Cleveland, OH in Sub-No. 31F, (u) Mahoning County, OH for facilities at Youngstown, OH in Sub-No. 31F, (v) Trumbull County, OH for facilities at Warren, OH in Sub-No. 31F; (w) Lawrence County, PA for facilities at Ellwood City, PA in Sub-No. 34F; (3) replace existing one-way authority with radial authority between cities and counties named in (2) above and points in several States throughout the U.S; (4) delete restrictions (a) prior movement by rail in Sub-No. 6, (b) in bags or in bulk, in tank vehicles, in Sub-Nos. 5 and 7, (c) commodities in bulk, cement in packages and stone in Sub-No. 11, (d) iron and steel, portland cement and commodities in bulk in Sub-Nos. 15 and 17, (e) originating at and destined to facilities in Sub-No. 20, (f) iron and steel articles in Sub-No. 22, and (g) commodities in bulk in Sub-Nos. 22, 24, and 26. The purpose of this republication is to correct part 2(s) from Louisville, KY, to Louisville, OH, in Stark County, OH, and remove restrictions from Sub-

No. 34F omitted from original application.

MC 115491 (Sub-145)X, filed May 7, 1981. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, P.O. Drawer 67, Auburndale, FL 33823. Representative: M. Craig Massey, 215 East Lime Street, P.O. Drawer 1109, Lakeland, FL 33802. Applicant seeks to remove restrictions in its lead and Sub-Nos. 27, 89, 109, 111, 112, 113, 114, 116, 117, 118, 120, 122, 125, 126, 128, 129, 131, 132, 133, 134, 136F, 138F, 140F, and 141F certificates and Subs E-1, E-2, and E-3 E-letter notices to (1) authorize radial operations in place of existing one-way authorities in all of the authorities except Sub-Nos. 54, 59, 125, 132 and 142F; (2) remove the facilities limitations in Sub-Nos. 112, 125, 126, 129, 132, 134, 136F, 140F, and 141F; (3) replace authority to serve named points with country wide authority as follows: in the lead and Sub-Nos. 112, 117, 128, 131, 140F and 141F, Tampa with Hillsborough County, FL; in Sub-No. 27, Tampa and St. Marks, with Hillsborough and Wakulla Counties, FL; in Sub-No. 111 Bartow and Kathleen with Polk County, FL; in Sub-No. 113, Waycross with Ware County, GA; in Sub-No 116, Lowell with Marion County, FL; Tifton with Tift County, GA; Davenport with Polk County, FL and Tampa with Hillsborough County, FL; in Sub-No. 118, Bradenton with Manatee County, FL; in Sub-No. 22, Davenport and Lynne with Polk and Marion Counties, FL; Dade City and Lake Wales with Pasco and Polk Counties, FL; Port Manatee and Tampa with Manatee and Hillsborough Counties, FL and Madison and Winter Haven with Madison and Polk Counties, FL; in Sub-No. 126, Chamblee and Morrow with Dekalb and Clayton Counties, GA; in Sub-No. 129, Plant City Bonnie, Noralyn and Tampa with Hillsborough and Polk Counties, FL and Lowell with Marion County, FL; in Sub-No. 131, Plant City with Hillsborough County, FL; in Sub-No. 134, Mobile with Mobile County, AL and Moss Point with Jackson County, MS; in Sub-No. 136F, New Wales with Polk County, FL and Mobile with Mobile County, AL; and in Sub-No. 138F, Albany with Dougherty County, GA; (4) remove the restriction limiting transportation to traffic originating at or destined to specific points or by a specific prior or subsequent movement by water, in the lead and Sub-Nos. 118, 125, 126, 128, 132 and 142F; and (5) remove restrictions as to type of equipment or type of commodity within the class of commodities granted in Sub-Nos. 27, 54, 89, 116, 117, 122, 125, 126, 131, 132, 133, 134F, E-2 and E-3.

MC 119552 (Sub-15)X, filed May 12, 1981. Applicant: J.T.L., INC., 49 Rosedale St., Providence, RI 02903. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, NW, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5F, 7F, 8F, 9F, 10, 11, and 12 permits to (1) remove all exceptions from its general commodity authorities except classes A and B explosives, in the lead (sheet 2), and Sub-Nos. 9F, 10, 11, 12; (2) broaden its commodity description to "pulp, paper and related products" from paper and paper products, and materials, equipment, and supplies in Sub-No. 7F; and (3) broaden its territorial authorities to between points in the U.S., under continuing conrtract(s) with named shippers. A grant of authority in the lead (sheet 2) subsumes the authorities in the lead (sheet 1) and Sub-Nos. 5F and 8-F.

MC 127193 (Sub-4)X, filed May 8, 1981. Applicant: LEONARD BROS. MOVING & STORAGE CO, 7060 West Fort Street, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to replace Detroit, MI, and points within 3 miles of Detroit, with Wayne, Oakland, and Macomb Counties, MI.

MC 129031 (Sub-9)X, filed May 14, 1981. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 N. Avenue 18, Los Angeles, CA 90031. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255. Applicant seeks to remove restriction in its Sub-Nos. 4F, 6F, and 8F permits to broaden its territorial authority to between points in the U.S., under coninuing contract(s) with a named shipper, in all of the above sub-numbers.

MC 136013 (Sub-5)X, filed May 4, 1981. Applicant: BAKERSFIELD EXPRESS, INC., Suite 11, 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions to (A) broaden the commodity description in its Sub-Nos. 1 and 3 permits to "such commodities as are dealt in by manufacturers of plastic articles" from plastic articles, and in its Sub-No. 4F permit to "such commodities as are dealt in by manufacturers of insulation products and related materials" from insulation products and materials and flexible air ducts (except commodities in bulk); and (B) broaden the territorial description in all three permits to authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 138469 (Sub-272)X, filed May 8, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 8, 13, 21, 24, 36, 39, 42, 49, 53, 59, 61, 63, 66, 75, 101, 118, 123, 135, 149, 150, 151, 203, 212, 226, 227, 231, 237, 240, 241, 248 and 257 certificates to (1) broaden the commodity descriptions to (A) "food and related products" from (a) meat, meat by-products, etc., in Sub-No. 8, (b) canned goods in Sub-No. 13, (c) infant and children foods and water in Sub-No. 21, (d) food products in Sub-Nos. 36 and 150, (e) cranberry products, fruit juices and table sauces in Sub-No. 42, (f) foodstuffs in Sub-Nos. 53, 151, 226, 231, 240 and 241, (g) frozen foods in Sub-Nos. 59, 66, 118 and 227, (h) fresh boxed meat in Sub-No. 61, (i) confectionery in Sub-No. 135, (j) bananas in Sub-No. 149, (k) alcoholic liquors in Sub-No. 212, (l) alcoholic beverages and wine in Sub-No. 248 and (m) alcoholic beverages in Sub-No. 257; (B) "chemicals and related products" from (a) drugs and medicines in Sub-No. 21, (b) toilet preparations, household and industrial cleaning products, insect repellants and medicated sprays in Sub-No. 36, (c) spray paint in Sub-No. 49, (d) animal and poultry drug supplements in Sub-No. 53 and (d) chemicals in Sub-No. 203; (c) "rubber and plastic products" from rubber and plastic articles in Sub-Nos. 21, and 150, (b) plastic strappings, plastic bands in Sub-Nos. 24 and 101, (c) plastic sets and dispensers and accessories thereto in Sub-No. 39, (d) plastic articles and molding in Sub-No. 49, (e) plastic and plastic articles in Sub-No. 203, and (f) plastic and plastic products in Sub-No. 226; (D) "clay, concrete, glass and stone products" from (a) glass specimen bottles in Sub-No. 21, (b) mirrors in Sub-No. 49, (c) glass products and table and kitchen ware in Sub-No. 150 and (d) glassware in Sub-No. 226; (E) "machinery" from (a) vaporizers and can openers in Sub-No. 21, (b) mechanical hand tools in Sub-Nos. 24 and 101, (c) items used in the installation of doors, frames, mirrors and automobile accessories in Sub-No. 49, (d) electric motors, grinders, buffers, dental lathes and dust collectors in Sub-No. 75, (e) television and cathode ray tubes in Sub-No. 150 and (f) heating and air-conditioning equipment in Sub-No. 237; (F) "metal products" from (a) feeding sets, dispenser stands and can openers in Sub-No. 21 (b) steel strappings, steel bands and cold rolled steel in Sub-Nos. 24 and 101, (c) automobile parts, metal vehicle

accessories and meat hangers in Sub-No. 49, (d) gas cylinders in Sub-No. 63 and (e) pedestals and machinery parts, accessories and attachments in Sub-No. 75; (G) "pulp, paper and related products" from (a) gummed tape in Sub-Nos. 24 and 101, paper and paper products in Sub-Nos. 39 and 150; (H) "lumber and wood products" from doors and frames in Sub-No. 49; (I) "furniture and fixtures" from office and household fixtures and furnishings in Sub-No. 123; (J) "transportation equipment" from automotive parts and accessories in Sub-No. 150; (K) "building materials" from floor coverings and accessories in Sub-No. 150; and (L) "textile mill products" from gloves in Sub-No. 150: (2) remove the restriction against the transportation of bulk products, hides and other restrictions limiting vehicle use in Sub-Nos. 8, 36, 39, 42, 53, 59, 61, 63, 66, 75, 135, 149, 150, 151, 203, 212, 226, 227, 231, 237, 240, 241, 248 and 257; (3) broaden the territorial scope by replacing named plantsite and city-wide authority with county-wide authority: Cactus, TX, with Moore and Sherman Counties, TX in Sub-No. 8; (a) Medera, CA, with Madera County, CA, (b) Modesto, CA with Stanislaus County, CA, (c) Stockton, CA, with San Joaquin County, CA and (d) Volta, CA with Merced County, CA, in Sub-No. 13, (a) Springfield, MO with Greene County, MO, and (b) Cabool, MO, with Texas County, MO in Sub-No. 21; (a) Leeds, AL with Jefferson County, AL, (b) Des Plaines, IL with Cook County, IL in Sub-Nos. 24 and 101; Great Bend, KS with Barton County, KS in Sub-No. 36; Muskogee, OK with Muskogee County, OK in Sub-No. 39; (a) Kenosha, WI with Kenosha County, WI and (b) North Chicago, IL with Lake County, IL in Sub-No. 42; Dothan, AL, with Houston County, AL, in Sub-No. 49; Decatur, IL with Macon County, IL, in Sub-No. 53; Montezuma, GA with Macon County, GA in Sub-No. 59; from Denver—no change—in Sub-No. 61; Enid, OK with Garfield County, OK in Sub-No. 63; Plover, WI with Portage County, WI in Sub-No. 66; Ft. Smith, AR—no change, in Sub-No. 75; Cleveland, OH with Cuyahoga County, OH in Sub-No. 118; Atlanta, GA—no change, in Sub-No. 123; Chicago, IL—no change, in Sub-No. 135; Port Huenema, CA with Ventura County, CA in Sub-No. 149; Ft. Worth, TX—no change, in Sub-No. 150; Kankakee and Momence, IL with Kankakee County, IL in Sub-No. 151; (a) Tuscola, IL with Douglas County, IL, (b) Indianapolis, IN with Marion County, IN, (c) Houston, TX, with Houston County, TX, (d) Deer Park with Harris County, TX in Sub-No. 203; (a) Bardstown, KY with Nelson County, KY and (b) Plainfield, IL with Will County, IL, in Sub-No. 212; San Antonio, TX with Bexar County, TX in Sub-No. 226; (a) Frankfort, MI with Benzie County, MI, (b) Allentown, PA with Lehigh County, PA and (c) Chambersburg, PA with Franklin County, PA in Sub-No. 227; Stroud, OK with Lincoln County, OK in Sub-No. 231; (a) New Braunfels, TX with Comal County, TX and (b) Wichita, KS with Sedgwick County, in Sub-No. 237; LaPorte, IN with LaPorte County, IN in Sub-No. 241; and (a) Little Rock, AR with Pulaski County, AR, (b) Phoenix, AZ with Maricopa County, AZ, (c) Tucson, AZ with Pima County, AZ, (d) Harahan, LA with Jefferson County, LA, (e) Lafayette, LA with Lafayette County, LA, (f) Amarillo, TX with Potter County, TX, (g) El Paso, TX with El Paso County, TX, (h) Odessa, TX with Ector County, TX and (i) San Antonio, TX with Bexar County, TX in Sub-No. 248; (4) change the one-way to radial authorities in Sub-Nos. 8, 13, 21, 24, 36, 42, 49, 53, 59, 61, 66, 101, 118, 123, 135, 149, 150, 151, 226, 227, 231, 240 and 257; (6) remove the restriction to the transportation of traffic originating at or destined to facilities in Sub-Nos. 8, 13, 21, 24, 36, 39, 42, 49, 61, 63, 66, 101, 118, 135, 203, 226, 227, and 237; and (7) remove the restriction in Sub-No. 149F against the transportation of traffic having a prior movement by water.

MC 140205 (Sub-11)X, filed May 19, 1981. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 51249. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 6F certificates to (1) broaden the commodity descriptions from paper bags to "pulp, paper, and related products" in both Sub-Nos.; (2) expand cities to county-wide authority: Sibley, IA, with Osceola County, IA, in both Sub-Nos.; (3) authorize radial service in lieu of existing one-way service in both Sub-Nos. between Osceola County, IA, and points in various States.

MC 141033 (Sub-19)X, filed May 11, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 61 certificate to (1) broaden the commodity description by removing exceptions to general commodities (except classes A and B explosives); (2) replace one-way with radial authority between AL and TN (except Memphis and Nashville), and, CA and UT, and (b) CA, and, several southern States and (3) remove a restriction requiring traffic to move on freight forwarder bills of lading.

MC 144557 (Sub-24)X, filed May 11, 1981. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks removal of restrictions in its Sub-No. 20F certificate to (1) eliminate the exceptions of commodities in bulk from the "such commodities" description, (2) broaden one-way authority to radial authority between points in the U.S. and points in AL, and (3) eliminate the exception of AK and HI from authority to serve points in the U.S.

MC 146880 (Sub-8)X, filed May 11, 1981. Applicant: DENTON CARTAGE COMPANY, INC., 7322 West 90th Street, Bridgeview, IL 60455. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from "general commodities (with exceptions)" to "general commodities (except Classes A & B explosives)" and (2) remove restriction to shipments having a prior or subsequent movement by rail or water.

MC 146990 (Sub-6)X, filed May 11, 1981. Applicant: J. R. PORTER, INC., Route 5, Box 589, South Point, OH 45680. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-No. 5X certificate to (1) broaden the commodity description from metal products, and materials, supplies and equipment used in the manufacture thereof to "iron and steel articles and metal products, and materials, supplies and equipment used in the manufacture thereof"; and (2) change Boyd County, KY, to Ashland, KY, as originally in Sub-No. 3F, to authorize service between Ashland, KY, and points in WV, OH, NJ, NY, MD, MI, IN and PA.

MC 148389 (Sub-3)X, filed May 11, 1981. Applicant: MILBAX TRUCKING, INC., 807 Rathbone Ave., Aurora, IL 60506. Representative: William H. Towle, 180 N. LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description in part (1) from metal cutting fluids and soaps to "chemicals and related products"; (2) change St. Charles, IL, to Kane County, IL.

MC 146016 (Sub-1)X, filed May 11, 1981. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846.

Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its lead certificate to (1) broaden the commodity description from refrigerated walk-in coolers, freezer cases, condensing units, evaporator coils, display cases, gondolas, cutting tables, checkout counters and parts and accessories therefor to "machinery, metal products, lumber and wood products, furniture and fixtures, and rubber and plastic products", (2) eliminate the size or weight restriction, and (3) remove restriction against service to AK and HI in connection with its authority to serve between New York, NY, and points in NJ (except those points in NJ within the NY, NY commercial zone), and points in the U.S.

MC 150398 (Sub-5)X, filed May 14, 1981. Applicant: BLUE EXPRESS, INC., P.O. Box 292, Canton, SD 57013. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 3 permit to broaden the commodity description from meats, meat products, meat by-products, and articles distributed by meat-packing houses, to "food and related products."

[FR Doc. 81-15940 Filed 5-27-81; 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 applicantion 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-123]

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 146328 (Sub-II-2TA), filed May 18, 1981. Applicant: ALLIED DELIVERY SYSTEM CO., 6200 Roland Ave., Cleveland, OH 44127. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Office products and supplies*, between Cleveland and Columbus, OH, on the one hand, and, on the other, pts in WV. Supporting shipper: Boise Cascade, Office Products Division, 12021 Centron Pl., Cincinnati, OH 45246.

MC 13134 (Sub-II-18TA), filed May 18, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representive: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Metal products* between points in Peoria County, IL, Jackson County, MO, and Georgetown County, SC, on the one hand, and, on the other, points in Fairfield County, OH for 270 days.

MC 2202 (Sub-II-25TA), filed May 18, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representive: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between Lebanon, TN and points in its commercial zone on the one hand and on the other Nashville, TN for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Nashville, TN. Applicant proposes to interline at existing gateways throughout its system. An underlying ETA seeks 120 days authority. Supporting shippers: Lebanon Woolen Mills, P.O. Box 190, Lebanon, TN 37087; Texas Boot Company, Industrial Drive, Lebanon, TN 37087; Toshiba, America, Inc., 1420 Toshiba Drive, Lebanon, TN 37087.

MC 149043 (Sub-II-9TA), filed May 18, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45411. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, 22030. Liquid sweeteners in bulk in tank vehicles: (1) betweeen points in OH on the one hand, and, on the other, Fort Wayne, Muncie and Gary, IN; Chicago, IL and Keokuk, IA; and (2) between Fort Wayne, Muncie, and Gary, IN; Chicago, IL and Keokuk, IA on the one hand, and, on the other, points in IN, OH, KY, MI, VA, MD, PA and NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Process Supply Co., P.O. Box 1271, Muncie, IN 47305.

MC 2202 (Sub-II-24TA), filed: May 18, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Common, irregular: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between the facilities of Kinney Shoe Corp. at Camp Hill, PA, on the one hand, and, on the other, points in the United States, for 270 days. Applicant proposes to tack the authority sought herein with its existing regular-route authority. Supporting shipper: Kinney Shoe Corp., Post Office Box 2437, Harrisburg, PA 17105.

MC 138068 (Sub-II-5TA), filed May 18, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana OH 43078. Representative: Robert E. Tucker, 750 W Third Ave, Cincinnati, OH 45203. Drug and Grocery items and such commodities as are dealt in, used, or distributed by retail and wholesale department, hard-ware, drug, and food stores, and materials, equipment, and supplies used in the conduct of the business described above from points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WA, WV, and WI to the facilities of Big Bear Stores Co. and its subsidiary Hart Stores, Inc. located in Ohio and West Virginia, under continuing contract for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) Big Bear Stores Co. and subsidiary Hart Stores, Inc., 770 W Goodale, Columbus, OH 43212.

MC 138438 (Sub-II-30TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Paper and paper products, and material, supplies and equipment used in the manufacture or distribution thereof,* between Palatka, FL, on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 138438 (Sub-II-31TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Paper and paper products and plastic and plastic products and materials, equipment and supplies used in the manufacture or distribution thereof,* between Palatka, FL, St. Louis, MO, and San Antonio, TX, on the one hand, and on the other, points in the United States, for 270 days. Supporting shipper: Central States Diversified, Inc., 1400 Reid Street, Palatka, FL 32077.

MC 138438 (Sub-II-32TA), filed May 18, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Industrial chemicals,* between all points in and east of MI, IL, KY, TN and AL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle Chemical Company, 125 Whitman Road, Reading, PA 19605.

MC 155944 (Sub-II-1TA), filed May 18, 1981. Applicant: CORNETT TRANSPORTATION CO., INC., 618 Old Philadelphia Rd., Aberdeen, MD 21001. Representative: Thomas P. Kimmitt, Jr., 2000 First Maryland Bldg., 25 S. Charles St., Baltimore, MD 21201. *Plastic material or products; glass bottles; cans for soda; and beverages in plastic and glass bottles and cans,* between points in the states of MD, DE, VA, NC, SC, NJ, PA, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Harco Distributors, Inc., 618 Old Philadelphia Rd., Aberdeen, MD 21001; Pepsi Cola Bottling Co. of Wilmington, DE, 3501 Governor Printz Blvd., Wilmington, DE 19809; Pepsi Cola Bottling Co. of Kecksburg, RD 5, Box 400, MT. Pleasant, PA 15666.

MC 142823 (Sub-II-3TA), filed May 18, 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 iron and steel articles,* between Harrisonburg and Winchester, VA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Maphis Chapman Corp., P.O. Box 151, Harrisonburg, VA 22801; Cives Steel Co., P.O. Box 2778, Winchester, VA 22601.

MC 155510 (Sub-II-1TA), filed May 18, 1981. Applicant: ORANGE DISTRIBUTION, INC., Post Office Box 486, Orange, VA 22960. Representative: David L. Bolyard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer of film,* between facilities of Klockner-Pentaplast of America, Inc., in Louisa County, VA, ont the one hand, and, on the other, points in CA, CT, FL, GA, IL, MN, NV, NJ, NC, OK, PA, TN and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Klockner-Pentaplast of America, Inc., Post Office Box 500, Gordonsville, VA 22972.

MC 149484 (Sub-II-22TA), filed May 18, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same address as applicant). *General commodities (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring the use of special equipment,* between the facilities of NCR Corp., Systemedia Group at Miamisburg, OH on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: NCR Corporation, Systemedia Group, 9095 Washington Church Rd., Miamisburg, OH 45342.

MC 115181 (Sub-II-14TA), filed May 14, 1981. Applicant: HAROLD M. FELTY, INC., R.D. #1, Box 148, Pine Grove, PA 17963. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Petroleum Coke,* from Delaware City, DE, to Camden, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Palmco Corp., 1976 MacArthur Blvd., Irvine, CA 92715.

MC 155945 (Sub-II-1TA), filed May 14, 1981. Applicant: L. W. STRAHLER, INC., P.O. Box 449, Route, 2, Marietta OH 45750. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. *Concrete products and equipment, materials and supplies used in the manufacture and distribution thereof,* between Marietta, OH and its commercial zone, on the one hand, and, on the other, points in KY, WV, PA, IN, MD, NY, TN, IL, VA, GA, NC, SC, and FL for 270 days. Supporting shipper: Marietta Concrete Co., P.O. Box 669, Marietta, OH 45750.

MC 107012 (Sub-II-166TA), filed May 14, 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). *General commodities (except class A & B explosives)* from Longview, WA and Portland, OR to points in and east of MN, IA, NE, CO, OK and TX (except FL and ME) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: ONAN Consolidation, Inc., 911 Western Ave., P.O. Box 3363, Seattle, WA 98114.

Note.—Common control may be involved.

MC 512872 (Sub-II-6TA), filed May 14, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Petroleum products, packaged lube oils, greases, oil filters, and vehicle body sealer and sound deadening compounds* between the facilities utilized by Quaker State Oil Refining Corp., at: Buffalo and North Tonawanda, NY, North Warren, Elmenton, Farmers Valley, Titusville, Creighton, New Kensington and Bakerstown, PA, Los Angeles, CA, St. Louis, MO, Portland, OR, Congo and St. Marys, WV and Vicksburg, MS on the one hand, and, on the other, points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quaker State Oil Refining Corp., P.O. Box 189, Oil City, PA 16301.

MC 155884 (Sub-II-1TA), filed May 12, 1981. Applicant: BIG WHEEL, INC., 700 Markley St., Norristown, PA. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036. Contract, irregular: *tires, tubes, flaps and auto parts and accessories,* between points in PA, DE, NJ, OH, WV, MD, VA, NC, SC, GA, AL, FL, TX, TN and MS, under continuing contract(s) with Lee Tire & Rubber Co., Hoffman Tire Co., Inc., International Tire Warehouse, Inc., and Laramie Tire Distributors, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Lee Tire & Rubber Co., 1100 E. Hector St., Conshohocken, PA 19428; Hoffman Tire Co., Inc., Montgomeryville, PA 18936; International Tire Warehouse, Inc., 700 E. Main St., Norristown, PA 19401;

Laramie Tire Distributors, Inc., 700 Markley St., Norristown, PA 19401.

MC 146637 (Sub-II-2TA), filed May 12, 1981. Applicant: YANKEE REFRIGERATED XPRESS, INC., 5500 Tacony St., Philadelphia, PA 19137. Representative: Eugene D. Anderson, 910 Seventeenth St. NW., Suite 428, Washington, DC 20006. *Meat and packinghouse products* from Liberal, Wichita and Dodge City, KS, to points on and east of IL, MS, and TN, for 270 days. Supporting shipper(s): National Beef Packing Co., Inc., P.O.B. 978, Liberal, KS 67901; Hyplains Dressed Beef, Inc., P.O.B. 539, Dodge City, KS 67801; MBPXL Corporation, P.O.B. 2519, Wichita, KS 67201.

MC 147313 (Sub-II-1TA), filed May 13, 1981. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Iron ore, in bulk, in dump vehicles*, from Mount Hope, NJ to Frazier, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Foote Minerals, Inc., Route 100, Exton, PA 19341.

MC 155731 (Sub-II-1TA), filed May 13, 1981. Applicant: WILLIAM J. NOLL, JR., d.b.a. SEA N AIR TRANSPORT, R.D. 3, Ohara Drive, Box 257, Noscow, PA 18444. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *General commodities (except Class A and B explosives)*, from Lackawanna County, PA to points in NY, PA, MD and DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): T-R Associates, Inc., P.O. Box 116, Archbald, PA 18403.

MC 150080 (Sub-II-7TA), filed May 14, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Plastic articles*, between the facilities of Thompson Industries Co. located at Renton, WA; City of Industry, CA; Phoenix, AZ; Shrevesport, LA; Higginsville, MO; Des Plaines, IL; Monroeville and Mt. Sterling, OH; Alexandria, VA; Tinton Falls and Milford, NJ; Stone Mountain, GA; San Antonio and El Campo, TX, 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(s): Thompson Industries Co., 2501 E. Magnolia St., Phoenix, AZ 85034.

MC 150185 (Sub-II-3TA), filed May 14, 1981. Applicant: STAM-WIN, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract carrier, irregular routes, transporting: *Metal products*, between the Commercial Zone of Cleveland, OH, on the one hand, and, on the other, the Commercial Zones of Chicago, IL, Detroit, MI, and Buffalo and Rochester, NY, under continuing contract(s) with Atlas Alloys, Inc., for 270 days. Supporting shipper: Atlas Alloys, Inc., 7900 Hub Parkway, Cleveland, OH 44125.

MC 150339 (Sub-2-37TA), filed May 13, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and classes A & B explosives*, from Canton, OH, to points in the United States, under continuing contract(s) with Danner Press Corporation, 1250 Camden Avenue, S.W., Canton, OH 44711 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Danner Press Corporation, 1250 Camden Avenue, S.W., Canton, OH 44711.

MC 150339 (Sub-2-38TA), filed May 14, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Furniture and fixtures, and materials and supplies used in the manufacture thereof*, between Richmond, VA, and points in the United States, under continuing contract(s) with Miller Mfg., Co., Inc., 1356, Richmond, VA 23211, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Miller Mfg. Co., Inc., P.O. Box 1356, Richmond, VA 23211.

MC 155913 (Sub-11-1TA), filed May 13, 1981. Applicant: SELDEN & SPENCER, INC., Route 661, Chance, VA 22439. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract*, irregular: *(1) Lumber, plywood and wood products and (2) materials, suppplies and equipment used in the manufacture, distribution and sales of commodities in (1) above*, between points in Carolina County, VA, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV and DC, for 270 days under continuing contract with Hoover Universal, Inc., Milford, VA. An underlying ETA seeks 120 days authority. Supporting shipper: Hoover Universal, Inc., Wood Perserving Division, P.O. Box 290, Milford, VA 22514.

MC 128672 (Sub-II-1TA), filed May 13, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representive: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract*, Irregular: *Iron and steel products, metal and metal products as described in STCC Groups 33 and 34, and materials supplies and equipment used in their manufacture, production and sales*, between Crittenden County, AR and Rockingham County, VA, on the the one hand, and on the other points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. Underlying ETA for 120 days filed. Under continuing contract with Maphis Chapman, Harrisonburg, VA. Shpporting shipper: Maphis Chapman, P.O. Box 151, Harrisonburg, VA 22801.

MC 146820 (Sub-II-10TA), filed May 10, 1981. Applicant: B & G TRUCKING, INC., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular: Plastic products* between Ashland, Upper Sandusky and Worthington, OH; Baltimore, MD; Kansas City, MO; and Thorofare, NJ, on the one hand, and, on the other, points in IN, IL, KY, MD, MO, PA, OH, TN, WV and WI, for 270 days. Under continuing contract(s) with Liqui-Box Corporation. Supporting shipper: Liqui-Box Corporation, 6950 Worthington-Galena Rd., P.O. Box 494, Worthington, OH 43085.

MC 145230 (Sub-II-2TA), filed March 30, 1981. Originally published in **Federal Register** dated April 20, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). Contract, Irregular—*malt liquor, and materials, supplies and equipment used in the manufacture, sale and distribution of malt liquor and malt liqquor products*, between James City County, VA, on the one hand, and, on the other, points in VA, MD, DE, NJ, PA, NC, WV, SC, GA, NY, MA, CT and FL, under continuing contract(s) with Anheuser Busch Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Anheuser Busch Inc., Williamsburg, VA. The purpose of this re-publication is to show the state of FL and malt liquor products which were omitted in the first publication.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 67024 (Sub-5-1TA), filed May 18, 1981. Applicant: SERVICE COACH LINE, INC., 1500 Jackson Street, Dallas, TX 75201. Representative: George W. Hanthorn (same as applicant). Common;

regular. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Millen and Augusta, GA: from Millen over U.S. hwy 25 to Waynesboro, thence over GA hwy 56 to Augusta and return over the same route, serving all intermediate points between Waynesboro and Augusta, having prior movement by motor. Supporting shippers: There are nine supporting shippers.

Note.—Applicant intends to tack and interline.

MC 97279 (Sub-5–1TA), filed May 18, 1981. Applicant: INTER CITY TRANSIT COMPANY, INC., 512 Magnolia Street, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Such commodities as are dealt in or used by wholesale, retail discount, variety and department stores (except in bulk),* between the facilities of Target Stores in Pulaski, County, AR, on the one hand, and on the other, points in the U.S.

MC 100666 (Sub-5–20TA), filed May 18, 1981. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same as applicant). (1) *Such commodities as are dealt in or used by manufacturers and dealers of agricultural equipment and machinery, industrial equipment and machinery and lawn and leisure products, (except commodities in bulk), and (2) Materials, equipment and supplies used in the manufacturing and distribution of the commodities described in part (1) above, (except commodities in bulk)* (a) from Amarillo and Lubbock, TX to points in NM, OK and TX, (b) from Dallas and Houston, TX to points in TX, (c) from Oklahoma City, OK to points in OK and (d) from Baton Rouge, LA to points in LA, restricted to traffic having a prior movement by rail. Supporting shipper: Ford Tractor Operations, 2500 East Maple Road, Troy, MI 48084.

MC 119399 (Sub-5–68TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *STARCH, NOI; Chemicals and Related Products used in the manufacture of Cleaning Compounds (except commodities in bulk),* From Spruce Pine, NC to Kansas City, MO. Supporting shipper: Faultless Starch-Bon-Ami Company, Kansas City, MO 64101.

MC 119399 (Sub-5–69TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *Malt beverages,* from Cincinnati, OH to Tulsa, OK and from Belleville, IL to Rolla, MO. Supporting shippers: Sooner Suds, Inc., Tulsa, OK 74145; Fred Voss Enterprises, Inc., Rolla, MO 65401.

MC 119399 (Sub-5–70TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). *Chemicals and related products and articles used in the manufacture and distribution thereof (except commodities in bulk and Class A and B explosives)* between Facilities used by Thompson-Hayward Chemical and points in the U.S. Restricted to traffic originating at or destined to Thompson-Hayward Chemical. Supporting shipper: Thompson-Hayward Chemical, Kansas City, KS 66106.

MC 119399 (Sub-5–71TA), filed May 18, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (same as applicant). Footwear and related goods and accessories sold in retail shoe stores from Topeka, KS to Detroit, MI. Supporting shipper: Volume Shoe Corporation, Topeka, KS 66601.

MC 119800 (Sub-5–1TA), filed May 18, 1981. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 248, Wynnewood, OK 73098. Representative: T. M. Brown, P.O.Box 1540, Edmond, OK 73034. *Asphalt,* between Oklahoma City, OK, on the one hand, and, on the other, Irving, TX. Supporting shipper: Trumbull Asphalt, 209 North Nursery Road, Irving, TX 75061.

MC 121385 (Sub-5–1TA), filed May 18, 1981. Applicant: LITTLE DIXIE XPRESS, LTD., P.O. Box 95252 (927 S.W. Sixth), Oklahoma City, OK 73109. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *(1) Iron or Steel Buildings, KD, and their components parts and (2) Materials, Equipment and Supplies, used in the manufacturing of (1) above,* between points in AL, AR, CA, CO, GA, IA, ID, IL, IN, KS, LA, MS, MO, OK, NE, ND, NM, OR, SD, TX, WA, WY, for the account of Star Manufacturing Co., located at Oklahoma City, OK. Supporting shipper: Star manufacturing Company, 8600 S. Interstate 35, Oklahoma City, OK 73109.

MC 123476 (Sub-5–9TA), filed May 18, 1981. Applicant: CURTIS TRANSPORT, INC., #23 Grandview Ind. Ct., Arnold, MO 63010. Representative: David G. Dimit (same as applicant). *Building materials, (except in bulk in tank vehicles)* from points in KS, IL, KY, and TN to all points in MO. Supporting shipper: Wener Bros., Inc., 9th and Delmar, Festus, MO 63028.

MC 135015 (Sub-5–1TA), filed May 18, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th Street, P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902. Common regular: *General commodities, except Classes A and B Explosives and household goods as defined by the Commission, and harzardous materials and commodities in bulk,* between New Boston, TX and Texarkana, TX, over U.S. Hwy 82, serving all intermediate points. Applicant intends to tack this authority with existing authority, and to interline freight with other carriers. Supporting shipper: Central Freight Lines, Waco, TX.

MC 136816 (Sub-5–2TA), filed May 18, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Food and related products,* between Omaha, NE on the one hand, and on the other, Pts in IA, WI and MN. Supporting shipper: Cornhusker Packing Company, 4436 Dahlman Ave., Omaha, NE 68107.

MC 139587 (Sub-5–4TA), filed May 18, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, Oklahoma City, OK 73112. Contract; Irregular. *General commodities (except Classes A and B Explosives),* between points in the U.S. Supporting shipper(s): Mid-America Farms, Inc. and/or Mid-America Dairymen, Inc., P.O. Box 1837, Springfield, MO 65805.

MC 139923 (Sub-5–7TA), filed May 18, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th, Stroud, OK 74079. Representative: Ed Handlin (same as above). *Plastic Resin, in boxes,* from Oklahoma City, OK to San Marcus, CA. Supporting shipper: Houston Independent Plastic Company, 2300 Wilcrest, #208, Houston, TX 77042.

MC 142672 (Sub-5–25TA), filed May 18, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Carpets and Materials, Equipment and Supplies used in the manufacture thereof* between the facilities of Trend Carpets, Inc., at or near Floyd County,

GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Trend Carpets, Inc., Post Office Box 162, Rome, GA 30161.

MC 145632 (Sub-5–2TA), filed May 18, 1981. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 West Second St., Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Passengers and their baggage*, between pts in the Missouri Counties of Randolph, Carroll and Chariton, on the one hand, and, on the other, pts in the U.S. Supporting shipper: MidMissouri Travel Agency, P.O. Box 455, Lancaster, MO 63548.

MC 147289 (Sub-5–2TA), filed May 18, 1981. Applicant: GEM CITY STORAGE & TRANSFER, INC., Carbide Lane, P.O. Box 786, Keokuk, IA 52632. Representatives: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *General Commodities (except classes A & B explosives and household goods)* between pts in IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NV, NJ, NY, OH, OK, PA, SC, TX, WV, WI and WY. Supporting shippers: Sheller Globe Corporation, 3200 Main St., Keokuk, IA 52632, Keokuk Steel Castings, a Division of Kast Metals Corp., 600 Morgan St., Keokuk, IA 52632, Midwest Carbide Corporation, P.O. Box 607, Keokuk, IA 52632.

MC 148143 (Sub-5–4TA), filed May 18, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same as applicant). *Food and Related Products, and Materials, Equipment, and Supplies used in the manufacture of Food and Related Products* between Los Angeles County, CA, Fulton County, GA, and Hamilton County, OH, on the one hand, and on the other, points in the U.S. Supporting shipper: Serv-A-Portion, Inc., 9140 Lurline, Chatsworth, CA 91311.

MC 150740 (Sub-5–5TA), filed May 18, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon, 6311 Raytown Rd., Raytown, MO 64133. Contract, Irregular. *Corrugated Boxes*, from North Kansas City, MO to points in NE and KS. Supporting shipper: Owens Illinois, Inc., 1401 Iron Street, North Kansas City, MO 64116.

MC 151383 (Sub-5–5TA), filed May 18, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, a Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract Irregular: *(1) Iron and steel articles; burner parts, pipe; heat exchangers; and such articles as are used in the construction of petrochemical facilities;* between points in the U.S. under continuing contract(s) with Litwin Engineers and Constructors, Inc. of Houston, TX; *(2) Pipe, engines, pumps, pumping units, sucker rods, and such commodities as are used in the discovery and production of oil and natural gas*, between points in the U.S. under continuing contract(s) with Freeman Pump & Supply Co. of Garden City, KS; *(3) Iron and steel articles and pumping units*, between points in the U.S., under continuing contract(s) with Supreme Mfg. Inc. of Garden City, KS; and *(4) air cooled and shell and tube heat exchangers, and iron and steel articles*, between points in the U.S. under continuing contract(s) with Con-Rad industries, Inc. of Sand Springs, OK. Supporting shipper(s): 4.

MC 153913 (Sub-5–3TA), filed May 18, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Building, Tulsa, OK 74103. Representative: Robert J. Wiruth (same as above). *Liquefied petroleum gas* between points in KS and MO. Supporting shipper(s): 4.

MC 154092 (Sub-5–1TA), filed May 18, 1981. Applicant: SUGARLAND EXPRESS, INC., P.O. Box 266, Iola, KS 66749. Representative: 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *PETROLEUM AND PETROLEUM PRODUCTS, in packages and containers*, Between points in that portion of KS within the Kansas City, MO Commercial Zone, on the one hand, and, on the other, points in MO. Supporting shipper: Phillips Petroleum Company, 734 Adams Building, Bartlesville, OK 74004.

MC 154678 (Sub-5–1TA), filed May 18, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Boulevard, Baton Rouge, LA 70806. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *General commodities*, except Classes A and B explosives, between points in LA and MS. NOTE: Applicant intends to interline. Supporting shippers: There are 10 supporting shippers.

MC 155803 (Sub-5–1TA), filed May 18, 1981. Applicant: WARREN PAYNE, INC., Route 1—Box 154–B, Linwood, KS 66052. Representative: Donald J. Quinn, Commerce Bank Building, Suite 232, Kansas City, MO 64114. *General commodities (except class A and B explosives and household goods as defined by the Commission)*, between points in AL, AZ, AR, CA, CO, GA, IL, IA, IN, KS, KY, MI, MD, MN, MO, NE, NV, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WA, WV and WI. Supporting shipper: Packer Plastics, Inc., 619 Packer Rd., Lawrence, KS 66044; Miner Container, Inc., Lenexa, KS.

MC 155864 (Sub-5–1TA), filed May 18, 1981. Applicant: NOLA DELIVERY INC., 830 Robert E. Lee, New Orleans, LA 70113. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Contract; irregular; *general commodities except commodities, in bulk, in tank vehicles, under a continuing contract with Sears, Roebuck & Company*, between points in Jefferson Parish and New Orleans, LA, on the one hand, and, on the other, points in Harrison County, MS. Supporting shipper: Sears, Roebuck & Company, 675 Ponce de Leon Ave., N.E., Annex 95, Atlanta, GA. 30395.

MC 156006 (Sub-5–1TA), filed May 18, 1981. Applicant: KELLY'S OF KEARNEY, INC., P.O. Box 1069, Kearney, NE 68847. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Passengers and their baggage, in round trip charter or special operations*, beginning or ending in NE and extending to pts in the U.S. Supporting shipper: Travel Chain of Nebraska, 706 E. 25th St., Kearney, NE 68847.

MC 156009 (Sub-5–1TA), filed May 18, 1981. Applicant: KENNY STEVENS, d.b.a. STEVENS TRUCKING, 1010 S.W. 70th Street, Oklahoma City, OK 73139. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. *Oil field commodities, in hot shot service*, between points in Beckham, Cleveland, Grady and Oklahoma Counties, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shipper(s): There are 5 supporting shippers.

MC 156013 (Sub-5–1TA), filed May 18, 1981. Applicant: WILSON FREIGHT LINES, INC., 729 South Jupiter, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Building and construction materials*, between CA, OR, and WA, on the one hand, and, on the other, CO, OK, and TX, restricted to traffic originating or destined to the facilities of P. E. O'Hair. Supporting shipper: P. E. O'Hair & Co., 2112 Loveridge Rd., Pittsburgh, CA 94565.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 155926 (Sub-6–1TA), filed May 11, 1981. Applicant: HOWARD EQUIPMENT CORP., d.b.a. ATS TRANSPORTATION SERVICES, Box 82537, San Diego, CA 92138.

Representative: David N. Nissenberg, 7855 Ivanhoe Ave., Suite 224, La Jolla, CA 92037. *Passengers and their baggage in the same vehicle in special and charter operations* between San Diego County, CA and points in NV, AZ, UT, OR, and WA for 180 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 5267 (Sub-6–2TA), filed May 13, 1981. Applicant: ATWOOD TRUCK LINE, INC., 9151 Welby Road, Thornton, CO. 80229. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264. *Cement, in bulk,* from Laramie (Albany County), WY to Roosevelt (Duchesne County), UT, for 270 days. Supporting shipper: Monolith-Portland Cement Co., 2480 W. 26th Ave., Denver, CO 80211.

MC 139895 (Sub-6–1TA), filed May 11, 1981. Applicant: BAYLINER MARINE CORP., Rt. 5 Arlington Airport, Arlington, WA 98223. Representative: Wallace B. Farbo, 1298 5th Tee Burlingtion, WA 98233. *Boats, boat molds, boat trailers, and boat accessories,* between WA, GA, AZ, CA, CT, FL, IL, IN, LA, MA, MI, MN, NC, OH, OR, PA, SC, TX, UT, VA, MD & WI for 270 days. Supporting shippers: Grady-White Boats, Inc., P.O. Box 1527, Greenville, NC 27834; Bertram Yacht/ Div of Whittaker Corp, 3663 NW 21st St. Miami, FL 33152.

MC 155934 (Sub-6–1TA), filed May 11, 1981. Applicant: C.J.'S TRUCKING & HOTSHOT, a division of C.J.'S WELDING SERVICE, INC., P.O. Box 1031 Evanston, WY 82930. Representative: C.J. Reece (same as applicant). *Equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and (2) materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in UT, ID, VN, CO, TX, ND, MT, NM, AZ, OK, SD, LA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Oilfield/ Leed Rental Services, Star Route 2 Box 147–C, Evanston, WY 82930; Oncor Corporation, Box 732, Evanston, WY 82930.

MC 145054 (Sub-6–10TA), filed May 13, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *Containers, container closures, container components, and packaging products;* between Springfield, MO on the one hand, and, on the other, points in CO for 270 days. An uderlying ETA seeks 120 days authority. Supporting shipper: Lily Division of Owens Illinois, Inc., National Bank Building, 606 Madison Avenue P.O. Box 1035, Toledo, OH 43666.

MC 124679 (Sub-6–45TA), filed May 12, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 W 2100 S., Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Paper and paper products* from Menands and Mechanicsville, NY. to OR, WA, CA, UT, AZ, and CO for 270 days. Supporting shipper: Tagson Papers, Inc., P.O. Box 1989, Albany, NY. 12201.

MC 155954 (Sub-6–1TA), filed May 14, 1981. Applicant: GREGG E. HERIFORD d.b.a. G & H SAND AND GRAVEL, 5312 N.E. 66th, Vancouver, WA 98661. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. *Building Materials:* between points in OR, WA, ID, and CA for 270 days. Supporting shipper: Cascade West Materials, Inc., P.O.B. 1586, Lake Oswego, OR 97034.

MC 155935 (Sub-6–1TA), filed May 13, 1981. Applicant: HUTCHINSONS TRUCKING LTD., 6033–30 St., Edmonton, Alberta CD T6C 4J5. Representative: Ronald Ticknor (same as applicant). *Oilfield equipment and related supplies, such as drilling rigs, modular housing (camp) units, drill pipe and all equipment required in operation of a drilling rig,* (1) between U.S.-Canada border at Sweetgrass, Coutts, Regway, MT; Emerson, Portal, ND; on the one hand, and, on the other, points in MT, ND, SD, CO, WY, KS, OK, TX, NM, NE, and MO, (2) between U.S.-Canada border at Tok, AK, on the one hand, and, on the other, points in AK, for 270 days. An underlying ETA seeks 120 days. Supporting shippers: There are eight shippers. Their statements may be examined at the Regional Office listed.

MC 119639 (Sub-6–5TA), filed May 14, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. (1) *Tobacco and related products;* (2) *Toiletries, cosmetics and perfume;* (3) *Alcoholic beverages; and* (4) *Equipment, materials and supplies* used in the manufacture and distribution of the above commodities, between points in OR, CA, WA, AZ and NV for 270 days. Supporting shippers: Fairn & Swanson, Inc., 1035–22nd Ave., Oakland, CA 94606; I.S.S. Inc., 510 East "D" St., Wilmington, CA 90744; Kansas Packing Co. Inc., 1505 E. 14th St., Oakland, CA 94606.

MC 151428 (Sub-6–3TA), filed May 12, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular routes: *Frozen prepared meats,* from Los Angeles County, CA to points in FL, LA, MS, TN and TX, for 270 days. Supporting shipper: Best Western, Inc., 3425 E. Vernon Ave., Los Angeles, CA 90058.

MC 155957 (Sub-6–1TA), filed May 14, 1981. Applicant: NATIONWIDE DRIVEAWAY, INC., 3400 So. Federal Blvd., Englewood, CO 80110. Representative: Steven E. Napper, 718—17th St., Suite 1700, Denver, CO 80202. (1) *Automobiles, Trucks,* and *Motor Homes* in a secondary driveaway service between points in CO on the one hand and points in the U.S. (except HI) on the other, for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional office listed.

MC 155988 (Sub-6–1TA), filed May 14, 1981. Applicant: OREGON FREIGHTWAYS, INC., 2706 David Lane, Medford, OR 97501. Representative: John Paul Fischer, 256 Montgomery St, 5th Floor, San Francisco, CA 94104. *General Commodities* (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A & B explosives, and household goods as defined by the Commission) between points in Clark County, WA; Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, and Josephine Counties, OR; and Del Norte and Humboldt Counties, CA, for 270 days. Applicant seeks authority to interline freight with other carriers under the authority. An underlying ETA seeks 120 days authority. There are 21 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 151155 (Sub-6–2TA), filed May 15, 1981. Applicant: PHILLIPS TRUCKING COMPANY, 100 Edison Ave., Alamosa, CO 81101. Representative: Nancy P. Bigbee, 1600 Sherman St, Suite 450, Denver, CO 80203. *General commodites,* between points in AZ, CA, CO, ID, NE, NM, NV, TX, UT and WY, for 270 days. Supporting shippers: Malouff's High Valley Paving Co., P.O. Box 120, Alamosa, CO 81101; Energy Xpress, Etc., 2115 South Standard Avenue, Santa Ana, CA 92707; J.M.C. Development,

Inc., 2115 South Standard Avenue, Santa Ana, CA 92707; and Grefco, Inc., Antonito, CO division.

MC 125561 (Sub-6-4TA), filed May 13, 1981. Applicant: SUNNYSIDE TRANSFER, INC., P.O. Box 526, Sunnyside, WA 98944. Representative: James M. Peterson, 520 Franklin, Richland, WA 99352. *General Commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, hazardous wastes and commodity which, because of size or weight, require special equipment) between Benton, Franklin, and Yakima Counties, WA, and Clackamas, Multnomah, and Washington Counties, OR, for 270 days. Supporting shipper: (a) There are 18 shippers. Their statements may be examined at the Regional Office listed.

MC 127738 (Sub-6-1TA), filed May 11, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, WY 82190. Representative: Michael McCarty, P.O. Box 550, Cody, WY 82414. *Contract Carrier*, Irregular routes: *Persons and their baggage in the same vehicle in charter and special operations* to and from points in Salt Lake, Davis and Morgan Counties, UT, to and from points in Yellowstone National Park, Grand Teton National Park, and Park and Teton Counties, WY, and to and from the City and County of Denver, Jefferson County, Arapahoe County and Adams County, Co, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grand Targhee Resort, Alta, WY 83422; Old West Tours, P.O. Box 3322, Jackson, WY 83001; California Parlor Car Tours, 1101 Van Ness Ave., San Francisco, CA 94109.

MC 155733 (Sub-6-1TA), filed May 14, 1981. Applicant: TRAIL BLASERS, INC., 7990 Overland Rd., Boise, ID 83709. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Hides, green salted*, from points in ID to CA, OR and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southwest Hide Company, P.O.B. 7946, Boise, ID 83707.

MC 155743 (Sub-6-1TA), filed May 14, 1981. Applicant: VENEER CHIP TRANSPORT, INC., 7117 40th West #7, Tacoma, WA 98466. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. *Sawdust, in bulk* from Tacoma, WA to St. Helens, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: West Coast Lumber Operations Co., 4215 East—West Rd., Tacoma, WA 98421.

MC 153628 (Sub-6-3TA), filed May 12, 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 Street, Denver, CO 80203. *Contract carrier*, irregular routes, *lumber, lumber products and wood products*, from points in WA, OR, ID, and MT, to points in IA, IL, IN, OH, KY, MI, and WI, for 270 days, restricted to traffic moving under a continuing contract or contracts with Prentice Lumber Co., Inc. An ETA seeks 120 days authority. Supporting shipper: Prentice Lumber Co., Inc., P.O. Box 4125, Missoula, MT 59806.

MC 155811 (Sub-6-1TA), filed May 5, 1981. Applicant: TOM McCARTY TRUCKING, 436 Alcazar S.E., Albuquerque, NM 87108. Representative: Thomas D. McCarty (same as applicant). *Refractories*, from IN & MO to: WA, OR, CA, NV, UT, MT, WY, AZ, for 270 days. Supporting shipper: Harbison Walker, #2 Gateway Center, Pittsburgh, PA 15222.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-15941 Filed 5-27-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9 a.m. on June 29, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: May 21, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-15967 Filed 5-27-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-102]

Certain Wheel Locks and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 16, 1981 and amended on May 4, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of McGard, Inc., 852 Kensington Avenue, Buffalo, New York 14215. The complaint alleges unfair methods of competition and unfair acts in the importation of certain wheel locks and components thereof into the United States, or in their sale, by reason of alleged (1) infringement by said wheel locks of the claims of U.S. Letters Patent 3,241,408, (2) palming off, and (3) false designation of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation; conduct an expedited hearing to determine whether there is reason to believe that there is a violation of section 337; upon the conclusion of said expedited hearing, issue a temporary cease and desist order and a temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond, during this investigation; and, after a full investigation, issue an exclusion order prohibiting the importation of said articles from entry into the United States and a cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's rules of practice and procedure.

Scope of the investigation: Having considered the complaint, the U.S. International Trade Commission, on May 13, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is reason to believe that there is a violation and whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain wheel lock combinations and components thereof into the United States, or in their sale, by reason of (1) alleged infringement by said wheel lock combinations and the wheel locks

themselves of the claims of U.S. Letters Patent 3,241,408, (2) alleged palming off, and (3) alleged false designation of origin, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

McGard, Inc., 852 Kensington Avenue, Buffalo, New York 14215

(b) The respondents are the following persons, alleged to be in violation of section 337, and are parties upon whom the complaint is to be served:

Kyo-Ei Industrial Corp., 41 Nishi-Shimizumachi, Minami-Ku, Osaka, Japan
Mackin Industries, 17727 Susana Road, Compton, California 90221
Superior Industries, International Inc., 7800 Woodley Avenue, Van Nuys, California 91405
Custom Plating Corp., C-P Auto Production Division, 1636 Bonnie Beach, Los Angeles, California 90063

(c) M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation;

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

(4) With respect to the complainant's request for expedition of the temporary relief hearing, action on such request is deferred to the presiding officer.

The phrase "wheel lock combinations" has been used in paragraph (1) above on the basis that the claims 1–4 in U.S. Letters Patent 3,241,408 are directed to a wheel lock and claims 5–8 of said patent are directed to the wheel lock in combination with a wrench that cooperates therewith. The latter combination is referred to as "wheel lock combinations."

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working 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 202–523–0161.

FOR FURTHER INFORMATION CONTACT: M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0113.

Issued: May 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15068 Filed 5-27-81; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-51]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: June 16, 1981, 8:30 a.m. to 5 p.m.; June 17, 1981, 8:30 a.m. to 2:30 p.m.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Ave., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, National Aeronautics and Space Administration, Code R, Washington, DC 20546 (202/755–3238).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the space research and technology activities of the Space Systems and Technology Advisory Committee. The Subcommittee, chaired by Mr. Robert L. Johnson, is comprised of seven members.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda:

June 16, 1981

8:30 a.m.—Chairperson's Remarks
9 a.m.—Current Status of NASA FY 1982 Budget and Long Range Planning Activities
9:30 a.m.—Subcommittee Chairperson's Reports
5 p.m.—Adjourn

June 17, 1981

8:30 a.m.—Discussion and Consolidation of Subcommittee Reports
12:30 p.m.—NASA Project Management Study
1:30 p.m.—General Discussion of NASA Policy and Program Status
2:30 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

May 20, 1981.

[FR Doc. 81-15816 Filed 5-27-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-50]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: June 18, 1981, 8:30 a.m. to 5 p.m.; June 19, 1981, 8:30 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Ave., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration,

Code R, Washington, DC 20546 (202/755-3238).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the discipline and vehicle class oriented activities of the Aeronautics Advisory Committee. The Subcommittee, chaired by Dr. Robert Loewy, is comprised of eleven members.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open
Agenda:

June 18, 1981

8:30 a.m.—Chairperson's Remarks
9 a.m.—Current Status of NASA FY 1982 Budget and Long Range Plan
9:30 a.m.—Subcommittee Chairperson's Reports
5 p.m.—Adjourn

June 19, 1981

8:30 a.m.—Discussion and Consolidation of Subcommittee Reports
12:30 p.m.—Discussion of Subcommittees' Review of NASA Technology Demonstration and Validation Programs
2:30 p.m.—Office of Aeronautics and Space Technology Facility Productivity Improvement Program
4:30 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

May 20, 1981.

[FR Doc. 81-15813 Filed 5-27-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

NSF Advisory Council, Task Group #19; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #19 of the NSF Advisory Council
Place: Room 543, National Science Foundation 1800 G Street, N.W., Washington, D.C. 20550
Date: Tuesday, June 16, 1981
Time: 9:00 a.m. to 5:00 p.m.
Type of meeting: Open
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, N.W., Washington, D.C. 20550. Telephone: 202/357-9433

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to consider the needs of organizations requiring policy research and analysis and to survey those NSF programs providing it. This will involve questions of coordination, possible overlap, and policy-making procedures as well as those of substance. In addition, the Council is asked to provide suggestions for the future development of NSF's science and technology policy resources.

M. Rebecca Winkler,

Committee Management Coordinator.

May 22, 1981.

[FR Doc. 81-15685 Filed 5-27-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-22]

Sunshine Skyway Bridge; Reports, Recommendations, Responses; Availability

• *Marine Accident Report—Ramming of the Sunshine Skyway Bridge by the Liberian Bulk Carrier SUMMIT VENTURE, Tampa Bay, Florida, May 9, 1980 (NTSB-MAR-81-3).*—As a result of its investigation of this accident, the Board reiterates recommendation M-80-78, issued to the U.S. Coast Guard following collision of two vessels in Tampa Bay, Fla., Jan. 22, 1980: Reevaluate the proposed level of vessel traffic service (VTS) in Tampa Bay and determine if a higher level of VTS is needed. (Ref. 45 FR 63583, Sept. 25, 1980.) Further, on April 22, 1981, the Board recommended that—

U.S. Coast Guard: Improve navigational aids for vessels passing under the Sunshine Skyway Bridge. (M-81-11)

Prohibit ships from meeting near the Sunshine Skyway Bridge. (M-81-12)

In cooperation with local port and bridge authorities, determine the feasibility of installing nonstructural bridge protection devices for the Sunshine Skyway Bridge. (M-81-13)

Seek legislation to allow the Coast Guard to act against a pilot's Federal license for acts committed while serving under the authority of his State license. (M-81-14)

In cooperation with the Federal Highway Administration, develop standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface. (M-81-15)

In cooperation with the Federal Highway Administration, conduct a study to determine which existing Bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection. (M-81-16)

Distribute a copy of the results of the Coast Guard's studies regarding bridge and pier protection systems to each appropriate member of the American Association of State Highway and Transportation Officials. (M-81-17)

Federal Highway Administration: Develop standards for the design, performance, and installation of bridge span failure detection and warning systems. (M-81-18)

Establish criteria to evaluate the need for installing bridge span failure detection and warning systems on existing and proposed bridges. (M-81-19)

In cooperation with the U.S. Coast Guard, develop standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface. (M-81-20)

In cooperation with the U.S. Coast Guard, conducts a study to determine which existing bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection. (M-81-21)

Use the results of the study conducted under recommendation M-81-21 to advise appropriate bridge authorities of the benefits of installing additional pier protection systems. (M-81-22)

State of Florida: Provide structural pier protection for the cantilever arm piers and the anchor arm piers of the Sunshine Skyway Bridge. (M-81-23)

National Weather Service: Establish a program to disseminate the contents of all convective SIGMETs which pertain to coastal areas to mariners by NWS weather radio broadcasts and by other appropriate means as the severity of the weather may require. (M-81-24)

Tampa Bay Pilots Association: Provide radio equipment capable of receiving NWS weather radio broadcasts at the Egmont Key pilot station. (M-81-25)

Instruct member pilots regarding the importance of complying with Article 15 of the Inland Rules of the Road which states, in part: "In fog, mist, falling snow, or heavy rainstorms, whether by day or night . . . a steam vessel under way shall sound, at intervals of not more than one minute, a prolonged blast." (M-81-26)

• *Railroad Accident Report—Rear-End Collision of Union Pacific Railroad Company Freight Trains Near Hermosa, Wyoming, October 16, 1980 (NTSB-RAR-81-3).*—As a result of its investigation, the Board on April 22 recommended that—

Union Pacific Railroad Company: Establish rules and procedures which require enginecrews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-81-41)

Amend and clarify rules to require dispatchers and train crewmembers to communicate with each other about conditions affecting the movement of their train. (R-81-42)

Expand the rules and instructions governing the use of the dynamic brake to

include conditions of when to apply the dynamic brake on a descending grade, at what speeds the brake is most effective, and what action to take when the dynamic brake has failed prior to or while being applied. (R-81-43)

Improve training, evaluation, and examination of train crewmembers so that they become and remain proficient in the train handling and special instruction aspects of their territories. (R-81-44)

Modify event recorders to record activation of the cab signal acknowledging lever. (R-81-45)

Relocate event recorders so as to lessen the likelihood of their becoming damaged in an accident. (R-81-46)

Provide the cabs of locomotives with emergency power so that emergency lights, radios, and event recorders continue to operate when normal power is lost. (R-81-47)

Association of American Railroads: Encourage member railroads to establish rules that require enginecrews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-81-48)

Encourage member railroads to have event recorders which record activation of cab signal, automatic train stop, or other similar safety system devices. (R-81-49)

Encourage member railroads to install or relocate event recorders so as to lessen the likelihood of their becoming damaged in an accident. (R-81-50)

Encourage member railroads to provide the cabs of locomotives with emergency power so that emergency lights, radios, and event recorders continue to operate when normal power is lost. (R-81-51)

In addition, the Board reiterates and reemphasizes the importance of the following recommendations issued to the *Federal Railroad Administration* as a result of other train collisions:

Promulgate rules to require engine crews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R-76-50)

Promulgate regulations which require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event that the engineer fails to do so. (R-76-3)

Promulgate regulations to require locomotives used in trains on main tracks outside of yard limits to be equipped with operating event recorders. (R-76-44)

Each of the above-noted recommendations is designated "Class II, Priority Action."

• *Recent Recommendation Responses from the Federal Aviation Administration—*

A-75-51 (May 11).—FAA is evaluating need for dynamic testing of seats in ongoing crashworthiness program. (Ref. 44 FR 23394, Apr. 19, 1979.)

A-79-44 (May 11).—FAA last fall formed a committee of NTSB, TSC, and FAA representatives to identify human factors/exposure data. FAA's Office of Aviation Safety is assessing an analytical study of General Aviation Safety and will soon inform the full committee. (Ref. 44 FR 53319, Sept. 13, 1979.)

A-81-12 and -13 (May 11).—A research program is underway to evaluate the detection, extinguishment, and flammability of cargo compartment liners. (Ref. 46 FR 13053, Feb. 19, 1981.)

A-81-18 (May 11).—FAA holds that established programs have regulatory control over the weight and balance procedures approved for U.S. certificate holders and that additional action is not needed. (Ref. 46 FR 22296, Apr. 16, 1981.)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

May 22, 1981.

[FR Doc. 81-15934 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG-0090, Vol. 3, No. 4). The release date is May 21, 1981.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the fourth calendar quarter of 1980. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There was one abnormal occurrence at the nuclear power plants licensed to operate. The event involved significant flooding of a reactor containment building. The event was determined reportable during report preparation and therefore has not previously been noticed in the **Federal Register.** Using the abnormal occurrence criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950), the incident satisfies Example I.D.3 ("For all Licensees") of Appendix A: serious deficiency in management or procedural controls in major areas. In addition, Example II.B.1 ("For Commercial Nuclear Power Plants") of Appendix A notes that discovery of a major condition not specifically considered in the Safety Analysis Report (SAR) or Technical Specifications that requires immediate remedial action can be considered an abnormal occurrence.

(b) There were no abnormal occurrences at the fuel cycle facilities (other than nuclear power plants).

(c) There were no abnormal occurrences at other licensee facilities.

(d) There were no abnormal occurrences reported by the Agreement States.

The report to Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, D.C. or at any of the more than 120 local Public Document Rooms throughout the country. Single copies of the report, designated NUREG-0090, Vol. 3, No. 4, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, on or about June 5, 1981.

A year's subscription to the NUREG-0090 series publication, which consists of four issues for $8.00, is available from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C., this 21st day of May, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-15955 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Company, et al.; Notice of 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-65 issued to the Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications with respect to decay heat removal capability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since 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 application for amendment dated October 17, 1980, (2) Amendment No. 69 to License No. DPR-65, and (3) the Commission's letter dated May 19, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Wshington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. 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 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-15956 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344; DD-81-6]

Portland General Electric Company (Trojan Nuclear Plant); Issuance of Director's Decision Under 10 CFR 2.206

On April 20, 1981, the Trojan Decommissioning Alliance requested the Nuclear Regulatory Commission (NRC) to order the immediate shutdown and launch an investigation of the Trojan Nuclear Plant of the Portland General Electric (PGE) Company. Concern regarding certain electrical problems experienced at the plant formed the basis for the request. After evaluating the request and related information, I have determined not to grant the relief requested. Accordingly, pursuant to 10 CFR 2.206 the requested action is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206," which is available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, DC 20555. The decision is also available for inspection in the local public document room for the Trojan facility, which is located at Multnomah County Library, Social Science & Science Department, 801 SW 10th Avenue, Portland, Oregon 97205. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the agency twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of this action within that time.

Dated at Bethesda, Maryland, this 21st day of May 1981.

For the Nuclear Regulatory Commission.

James H. Sniezek,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 81-15857 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric and Gas Co. et al.; Notice of Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR-75, issued to the Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and the Atlantic City Electric Company, which authorizes operation of the Salem Nuclear Generating Station, Unit 2 at reactor core power levels not in excess of 3411 megawatts thermal (100% power) in accordance with the provisions of the license and the Technical Specifications.

The Salem Nuclear Generating Station, Unit 2 is a pressurized water nuclear reactor located at the licensees' site in Salem County, New Jersey. The license is effective as of its date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was issued in the **Federal Register** on October 20, 1972 (37 FR 22637).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by this license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. DPR-75, complete with Technical Specifications; (2) License for Fuel Load and Low Power Testing dated April 18, 1980 and amendments thereto; (3) the reports of the Advisory Committee on Reactor Safeguards dated February 15, February 22 and August 14, 1979; (4) the Commission's Safety Evaluation Report (NUREG-0517) dated October 1974, Supplement 1 dated June 1976, Supplement 2 dated August 1976, Supplement 3 dated December 1978, Supplement 4 dated April 1980, Supplement 5 dated January 1981, and Supplement 6 dated May 1981; and (5) the Final Safety Analysis Report, docketed August 1971 and amendments thereto; (6) the Environmental Report prepared by Public Service Electric & Gas Company dated June 30, 1970, as supplemented and amended; (7) the Commission's Final Environmental Statement dated April 1973; (8) the NRC Flood Plain Review of the Salem Nuclear Generating Station Site dated April 18, 1980; and (9) the Discussion of

the Environmental Effects of the Uranium Fuel Cycle dated May 20, 1981.

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 local public document room in the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of item (1) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation. Copies of Supplements 3, 4, 5 and 6 of NUREG–0517 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301–492–9530.

Dated at Bethesda, Maryland, this 20th day of May, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-15958 Filed 5-27-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-3; Order No. 377]

Mail Classification Schedule, 1981 ZIP + 4 First-Class Subclasses; Order Granting Petitions for Intervention and Allowing Participation, Designating OOC, Establishing Procedural Schedule and Denying in Part Postal Service's Motion for Waiver

May 22, 1981.

On April 24, 1981, this Commission issued a Notice[1] stating that the United States Postal Service had filed a Request for a Recommended Decision on establishing two new subclasses of first class, ZIP + 4 letters and ZIP + 4 cards. The Notice directed those desiring to participate in the proceeding to file, on or before May 15, 1981, petitions for leave to intervene,[2] or requests to be heard as a limited participant.[3] In addition, persons wishing to express their views informally, but not desiring to become a party or limited participant, were permitted to file comments.[4]

In response to the Notice, this Commission has received ten petitions to intervene. These parties are listed in Attachment A. In addition, eight requests to be heard as limited participators were received. These parties are listed in Attachment B.

Any answers to such petitions are to be filed by May 26, 1981. In order to advise those filing petitions of their status at the earliest possible date, and to establish an initial service list for this proceeding, we have decided to rule on the petitions at this time, subject to reconsideration on the basis of any answers which may yet be filed.

The petitioners listed in Attachments A and B are either users of the mail or have otherwise demonstrated an interest in this proceeding. Accordingly, their requests for participation will be granted.[5]

Concurrent with the issuance of this Order, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice[6] will be required to serve copies of its Request and its prepared direct evidence upon the parties identified in Attachments A and B, and upon the Officer of the Commission.

Where service upon more than one representative has been requested in the petition to intervene or leave to be heard as a limited participator, the service will be required only on the first two named representatives in the petition.[7]

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case.[8] The OOC will supply, for the record, at the appropriate time the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.[9]

Procedural Schedule. We have established a tentative schedule, which balances the goal of expedition and the time necessary for adequate consideration of a proposal of such significance. The schedule is attached to this order as Attachment C.

Postal Service Motion for Waiver. On April 21, 1981, the Postal Service filed a motion for a waiver of certain provisions of the Commission's rules of practice and procedure. In our April 24, 1981 Notice we gave the parties until June 1, 1981, to address the Postal Service's motion. Upon further consideration of the motion we have decided at this time to deny the Postal Service's request for a temporary waiver of Rule 64(g).[10]

Performance data. In its motion, the Postal Service requests that the workpaper documentation requirement of Rule 64(g) be waived until the Service has completed its contracting procedure. The Postal Service does not want to produce the data gathered in its tests of the automated equipment—Optical Character Reader-Channel Sorters and Bar Code Sorters—it is procuring until the contracts have been awarded. These test data, however, are the bases for the amount of the proposed discount. Therefore they are of primary importance in this case.

We respect the Postal Service's interest in preserving competition in its procurement process. However, because these data are of primary importance in the Postal Service's case, the parties and the Commission should have access to them without delay. If the Commission is to accomplish its goal of expeditious consideration of this case, the Postal Service must cooperate by producing the relevant material.

We note that in R80–1, we used protective conditions to safeguard the Postal Service's interest with regard to material that was undeniably relevant but also deemed by the Postal Service to be inappropriate for general release.[11] We believe that the protective conditions worked well in R80–1 and are appropriate for this situation also.[12] We note that the Postal Service has no

[1] Published in the **Federal Register** on April 29, 1981 (46 FR 24060–61).

[2] 39 CFR 3001.20

[3] 39 CFR 3001.19a.

[4] 39 CFR 3001.19b.

[5] One petitioner requesting limited participant status, Tide-Mar, Inc., filed three days late. We are allowing this late filing, subject to reconsideration, since we do not believe any party's interests have been injured by the untimely filing.

[6] 39 CFR 3001.65.

[7] *See* sections 12 (c) and (d) of the rules of practice (39 CFR 3001.12(c) and 3001.12(d)).

[8] *See* 39 CFR 3001.8.

[9] 39 CFR 3001.10(c).

[10] Postal Service Motion, pp. 4–5.

[11] PRC Order No. 348

[12] The Postal Service, in another situation, found production of these data, with protective conditions, an acceptable balancing of its need to protect its contracting process and a decision-making body's need for information. The Postmaster General in a March 26, 1981, hearing offered to make these test results available, in executive session, to the House Subcommittee on Government Information and Individual Rights.

objection to providing this information after its procurement process is completed. Production of the information under protective conditions will protect the Service's interests in the integrity of its procurement process while assisting in the expedition of this case, since parties and the Commission can begin their analyses at an earlier time.

In R80–1, the Postal Service argued that it should not be required to produce certain requested information because one of the parties was a competitor who might be able to use the information to gain an unfair advantage. In response to that argument, we limited access to that information to outside consultants and attorneys. We do not have the same situation here because none of the parties appear to have any interest in the outcome of the procurement. However, to make certain that the production of the data will not affect the Postal Service's procurement process, any person requesting access to the information must include in the affidavit a statement that he or she has no personal or financial interest in the procurement. None of the parties granted intervention appear to be involved in the procurement. If anyone so involved petitions for late intervention, we will require that access be limited to outside consultants and attorneys of that party.

In its motion, the Postal Service requests limiting the production of test data to that of the particular equipment procured rather than that for all the equipment tested and found acceptable. We are denying this request for limitation at this time. As the procurement has not been completed, no one knows which equipment will be procured. The parties and the Commission can use the data in the same manner as the Postal Service witnesses as giving a range for the expected performance. When the Postal Service witnesses developed the proposal, they did not know which companies would be awarded the contracts. The parties and the Commission need the same data for an adequate analysis of the Postal Service's proposal. After the Postal Service has notified the Commission that it has completed its procurement process, the Commission will entertain any motions regarding the relevance of the test data for equipment not purchased.

The protective conditions are necessary only until the procurement process is completed. The Commission therefore anticipates that it will remove the conditions then, unless some supervening cause for continued confidentiality is shown.

The Commission Orders:

(1) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene in this proceeding, subject to the provisions of paragraph (C), below.

(2) Each of the petitioners identified in Attachment B to this Order is hereby permitted to become a limited participator in this proceeding, subject to the provisions of paragraph (C), below.

(3) The participation of the intervenors and limited participators permitted by paragraphs (A) and (B), above, is subject to the rules and regulations of the Commission: *Provided, however,* That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participators: *And provided, further,* That the admission of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(4) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participators. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(5) The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. The OOC will supply, for the record, at the appropriate time the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.

(6) The procedural schedule, Attachment C, is tentatively established.

(7) The Postal Service's Motion for waiver with regard to 64(g) is denied. The material is to be filed within seven days of the issuing of this Order. Unless and until the Commission orders otherwise, access to this material will be subject to the following conditions:

a. Inspection and analysis of this material is permitted solely for purposes of this proceeding. The material is to be kept confidential.

b. Prior to receipt of any materials, each party shall file with the Commission affidavits by each of the individuals who will be given access; such affidavits shall follow the format prescribed in Attachment D to this Order.

(8) The Postal Service will notify the Commission when it has awarded the contract(s) for purchase of Optical Character Reader-Channel Sorters. Any motion concerning the protective conditions or relevance of the test data provided concerning the Optical Character Reader-Channel Sorters is to be filed within seven days of that notice.

(9) The Postal Service will notify the Commission when it has awarded the contract(s) for the purchase of Bar Code Sorters. Any motion concerning the protective conditions or relevance of the test data provided concerning the Bar Code Sorters is to be filed within seven days of that Notice.

By the Commission.

David F. Harris,

Secretary.

Attachment A

Intervenors

American Bankers Association (ABA)
American Postal Workers Union, AFL–CIO
Council of Public Utility Mailers (CPUM)
Direct Mail/Marketing Association, Inc. (DMMA)
March of Dimes Birth Defects Foundations (March of Dimes)
Magazine Publishers Association, Inc. (MPA)
National Wildlife Federation
J. C. Penney Company, Inc.
Reader's Digest Association, Inc.
Time Incorporated (Time, Inc.)

Attachment B

Limited Participators

Association of American Publishers, Inc. and Recording Industry Association of America, Inc. (AAP–RIAA)
American Retail Federation (ARF)
Bell & Howell Corporation
Classroom Publishers Association (CPA)
Envelope Manufacturers Association (EMA)
Mail Advertising Service Association (International), Inc. (MASA)
National Association of Greeting Card Publishers (NAGCP)
Tide-Mar, Inc. (TMi)

Attachment C

Tentative Hearing Schedule for Proceedings—ZIP + 4 Subclass, Docket MC81–3

Month/date/year:

06–10–81—Prehearing Conference.
07–03–81—Completion of all discovery directed to the Postal Service.
08–03–81—Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief.
08–17–81—Filing of the case-in-chief of each participant (including that of OOC).
09–08–81—Completion of all discovery directed to the intervenors.
09–24–81—Beginning of evidentiary hearings as to the case-in-chief of other participants.
10–19–81—Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
11–09–81—Beginning of evidentiary hearings on rebuttal evidence.
11–23–81—Initial briefs filed.
12–03–81—Reply briefs filed.
12–10–81—Oral argument (if scheduled).

Attachment D

Affidavit

I, ————, am a [*position title*] employed by [*Employer*], and retained/employed by [*PRC Intervenor*] for the purpose of consultation/counsel *re* Postal Rate Commission Docket No. MC81–3. I have read fully Postal Rate Commission Order No. —— and agree to comply with its terms. I understand the materials being produced by the Postal Service pursuant thereto are confidential and may contain valuable information relating to a procurement process. I agree not to disclose the aforesaid materials, or any information relating to their substance, to anyone not permitted access thereto under Order No. ——. I have no personal or financial interest in the Postal Service's procurement of Optical Character Reader-Channel Sorters and/or Bar Code Sorters. I understand that the Commission, by a subsequent Order, may remove the restriction on disclosure of some or all of this material.

[Address] ————

Subscribed and sworn to before me this —— day of ——, 1981.

My Commission Expires.

Notary Public.

[FR Doc. 81–15979 Filed 5–27–81; 8:45 am]

BILLING CODE 7715–01–M

[Docket No. A81–3; Order No. 378]

Catherine W. Brown, Petitioner; Notice and Order of Filing of Appeal

Issued: May 22, 1981.

On May 15, 1981 the Commission received a letter from Catherine W. Brown (hereinafter "Petitioner") concerning alleged United States Postal Service plans to close the Oswego, South Carolina post office.

Although petitioner does not expressly refer to the Postal Reorganization Act (39 U.S.C. 101 *et seq.*) and does not attach a copy of the Postal Service's written determination, we believe her letter should be construed as a petition for review pursuant to section 404(b) of the Act to preserve her right to appeal and in light of Commission rules of practice that call for liberal construction to secure a just and speedy determination of issues.[1]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing to "ensure that such persons will have an opportunity to present their views."[2] The petition requests that the Oswego post office be kept open. From the face of the petition it is not clear whether any hearings have been held and whether a determination has been made under 39 U.S.C. 404(b)(3).

The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[3]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural reas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[4]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[5]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Did the Postal Service consider the effect of this post office closing on the community it served, in conformance with section 404(b)(2)(A)?

2. Did the Postal Service consider whether this closing is consistent with the policy of the Government that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining, in conformance with section 404(b)(2)(C)?

Additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79–1, *et al.* (May 7, 1979) and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case.

In the event the Commission finds a memorandum necessary to explain or clarify the Service's legal position or interpretation of any issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make a request by order and specify the issues to be addressed. If a request is issued, the Postal Service's memorandum shall be due within 20 days and the Service shall serve a copy of the memorandum on Petitioner. In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases[6] and none is appointed. The Commission orders that:

(A) The letter received May 15, 1981 from Catherine W. Brown of Oswego, South Carolina be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 U.S.C. 404(b) (1).

[3] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipts of such an appeal by issuing PRC Form No. 58 to the Postal Service upon receipt of each appeal.

[4] 39 U.S.C. 101(b).

[5] 42 FR 59079–85 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[6] In the Matter of Gresham, S.C., Route #1, Docket No. A78–1 (May 11, 1978).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

(C) The Postal Service shall file the administrative record in this case on or before June 1, 1981, pursuant to the Commission's rules of practice (39 CFR 3001.113(a)).

By the Commission.

David F. Harris,

Secretary.

Appendix

May 15, 1981—Filing of Petition.
May 22, 1981—Notice and Order of Filing of Appeal.
June 1, 1981—Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
June 4, 1981—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
June 15, 1981—Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
June 30, 1981—Postal Service answering brief (*see* 39 CFR 3001.115(b)).
July 15, 1981—(1) Petitioner's reply brief, should petitioner choose to file (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

September 14, 1981—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 81-15869 Filed 5-27-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 21, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Apache Petroleum Company Depository Units, No Par Value (File No. 7-5917)
Barnett Banks of Florida, Inc. Common Stock, $2 Par Value (File No. 7-5918)
Cray Research, Inc. Common Stock, $1 Par Value (File No. 7-5919)
Deluxe Check Printers, Inc. Common Stock, $1 Par Value (File No. 7-5920)
Galveston-Houston Company Common Stock, $.33⅓ Par Value (File No. 7-5921)
MacMillan-Bloedel Ltd. Common Stock, No Par Value (File No. 7-5922)
Modular Computer Systems, Inc. Common Stock, $.05 Par Value (File No. 7-5923)
Moore Corporation Ltd. Common Stock, No Par Value (File No. 7-5924)
Noble Affiliates, Inc. Common Stock, $3.33⅓ Par Value (File No. 7-5925)
Permian Basin Royalty Trust Shares of Beneficial Interest, No Par Value (File No. 7-5926)
Recognition Equipment Inc. Common Stock, $.25 Par Value (File No. 7-5927)
Sullair Corporation Common Stock, No Par Value (File No. 7-5928)
Toys R Us, Inc. Common Stock, $1 Par Value (File No. 7-5929)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 12, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-15891 Filed 5-27-81; 8:45 am]

BILLING CODE 8010-01-M

Advisory Committee on Shareholder Communications; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Shareholder Communications will conduct a meeting on June 17, 1981, at the American Stock Exchange, 86 Trinity Place, New York, New York, in the boardroom, 13th floor, beginning at 10:00 a.m. This meeting will be open to the public.

This will be the second meeting of the Advisory Committee. The purposes of the meeting are to: hear the reports of Subcommittees, review a draft release soliciting public comment and consider other issues related to communicating with the beneficial owners of securities registered in the name of a broker-dealer, bank or other nominee.

Further information on this matter may be obtained by contacting: Gregory H. Mathews, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2589.

Dated: May 22, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15952 Filed 5-27-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/410]

Shipping Coordinating Committee, Safety of Life at Sea Subcommittee; Meeting

The U.S. SOLAS Working Group on International Multimodal Transport and Containers will conduct an open meeting on June 10, 1981, at 9:30 a.m., in Room 4234 of the Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590.

The purpose of this meeting is to discuss matters germane to multimodal transport and containers. The following specific issues will be addressed:

1. De-briefing and discussion on the 22nd Session of the IMCO Subcommittee on Containers and Cargoes which was held in London on January 26-30, 1981.

2. De-briefing and discussion on the 44th Session of the IMCO Maritime Safety Committee which was held in London on March 30-April 1, 1981 on matters concerning the 22nd Session of the IMCO Subcommittee on Containers and Cargoes.

3. Comments on the Report on the Convention on International Multimodal Transport of Goods.

4. Discussion of the U.S. position for the meeting of the Group of Experts on Combined Transport (GECT) to be held June 15-19, 1981, in Geneva.

5. Other matters.

For further information concerning this meeting contact Mr. Charles Hochman, U.S. Coast Guard (202) 426-1577 or Mr. Paul B. Larsen, Department of Transportation (202) 426-4710.

Dated: May 13, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-15864 Filed 5-27-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/411]

Shipping Coordinating Committee, Safety of Life at Sea Subcommittee; Meeting

The open meeting of the SOLAS Working Group on the Carriage of Dangerous Goods originally scheduled for June 4, 1981, has been postponed. The meeting will now take place on June 23, 1981, at 9:30 a.m., in Room 3201 of the Coast Guard Headquarters Building, 2100 Second Street SW., Washington, D.C. 20593.

The purpose of this meeting will be to:

—Discuss the report of the XXXII Session of the IMCO Subcommittee on the Carriage of Dangerous Goods;

—Discuss progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information on the meeting should be directed to Lieutenant Kevin J. Eldridge, U.S. Coast Guard (G-MHM-2), 2100 Second Street SW., Washington, D.C. 20593. Telephone: (202) 426-1577.

Dated: May 13, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81-15865 Filed 5-27-81; 8:45 am]

BILLING CODE 4710-07-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP) Subcommittee; Results of Reviews of Petitions Requesting Changes in the List of Articles Eligible for Duty-Free Treatment Under the GSP

This publication describes results of the 1980 annual review of petitions requesting changes in the list of imported articles eligible for duty-free treatment under the U.S. Generalized System of Preferences (GSP). The GSP is provided for in the Trade Act of 1974 (88 Stat. 2066-2071, 19 U.S.C. 2461-2465). The review was conducted pursuant to regulations codified at 15 CFR Part 2007. Results of the review were implemented as of March 31, 1981, by Executive Order No. 12302 of April 1, 1981 (46 FR 19901). The disposition of the petitions accepted for review by the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) and matters considered by the TPSC on its own motion are set forth in Annex I of this notice. Petitions that remain pending are listed in Annex II.

BILLING CODE 3190-01-M

Annex 1

Case Reviews Completed

Part 1: Petitions

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
78-24	192.18	Fresh cut roses	Dominican Republic Center for Export Promotion, Dominican Republic, Government of Panama	Petition Denied
78-122	687.58	Other electronic tubes	Government of Argentina	Petition Granted (in part; see below)
78-123	687.70	Transistors, with a dissipation rating of less than 1 watt	Government of Malaysia, Government of Singapore	Petition Granted
78-124	687.70	Transistors, with a dissipation rating of 1 watt or greater	Government of Malaysia Government of Singapore	Petition Granted
78-125	687.75	Integrated circuits, monolithic, linear	Government of Malaysia	Petition Denied
78-126	687.75	Integrated circuits, bipolar, memory	Government of Malaysia	Petition Denied
78-126	687.75	Integrated circuits, bipolar, transistor-transistor logic	Government of Malaysia	Petition Denied
78-127	687.75	Integrated circuits, bipolar, emitter coupled logic	Government of Malaysia	Petition Denied
78-128	687.75	Integrated circuits, bipolar, other	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, random access, less than 9,000 bits	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, random access, 9,000 bits and greater	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, memory, other than random access	Government of Malaysia	Petition Denied
78-129	687.75	Integrated circuits of metal oxide silicon, microprocessor	Government of Malaysia	Petition Denied
78-129	687.75	Other integrated circuits of metal oxide silicon	Government of Malaysia	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
78-130	687.75	Other integrated circuits, other than of metal oxide silicon	Government of Malaysia	Petition Denied
78-131	687.75	Other integrated circuits, other than monolithic	Government of Malaysia	Petition Denied
78-132	687.65	Photo-sensitive diodes and rectifiers, solar cells	Government of Malaysia	Petition Granted
78-132	687.65	Photo-sensitive diodes and rectifiers, other	Government of Malaysia	Petition Granted
78-133	687.65	Zener diodes and rectifiers	Government of Malaysia	Petition Granted
78-134	687.65	Microwave diodes and rectifiers	Government of Malaysia	Petition Granted
78-135	687.65	Diodes and rectifiers, thyristors	Government of Malaysia	Petition Granted
78-136	687.65	Other diodes and rectifiers, with a maximum current of 0.500 amperes or less	Government of Malaysia	Petition Granted
78-137	687.65	Other diodes and rectifiers	Government of Malaysia	Petition Granted
78-138	687.75	Mounted piezo-electric crystals	Government of Singapore	Petition Denied
78-139	687.75	Other, including parts not specifically provided for, or electronic tube mounts	Government of Singapore	Petition Denied
79-6	130.45	Oats, hulled or not hulled	Government of Colombia	Petition Granted
79-8	141.98	Other vegetables including Nopalitos (tender cactus)	Herdez USA Corp., Vernon, California	Petition Granted
79-10	146.78	Other frozen berries, except boysenberries, including frozen blackberries	Government of Chile	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-11	147.77	Grapes, otherwise prepared or preserved, including grape must	Government of Argentina	Petition Denied
79-13	148.44	Green olives, packed in airtight containers	Hazayith of Israel	Petition Denied
79-14	148.50	Olives, pitted or stuffed	Hazayith of Israel	Petition Denied
79-15	148.56	Olives, otherwise prepared or preserved	Hazayith of Israel	Petition Denied
79-16	148.60	Fresh papaya	Government of Panama	Petition Denied
79-19	170.67	Other non-paper wrapped cigarettes, including bidis	Government of India	Petition Granted
79-21	175.36	Poppy seed	Government of Romania	Petition Granted
79-22	141.98	Other vegetables, including pre-cooked rice	Government of Colombia	Petition Granted
79-24	307.66	Yarns of wool, handspun and hand-dyed	Manos del Uruguay, Montevideo, Uruguay	Petition Denied
79-24	307.68	Yarns, blends of wool or hair, handspun and hand-dyed	Manos del Uruguay, Montevideo, Uruguay	Petition Denied
79-25	315.80	Jute cordage, not bleached, colored or treated, with singles yarn under 720 yards per pound	Government of Bangladesh, Government of India	Petition Granted
79-26	315.85	Jute cordage, not bleached, colored, or treated, with singles yarn 720 yards or over per pound	Government of Bangladesh	Petition Granted
79-27	315.90	Jute cordage, bleached, colored, or treated, with singles yarn under 720 yards per pound	Government of Bangladesh, Government of India	Petition Granted
79-28	315.95	Jute cordage, bleached, colored, or treated, with singles yarn 720 yards or over per pound	Government of Bangladesh	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-29	337.40	Silk fabric, jacquard-figured, degummed, bleached, or colored	Government of Thailand	Petition Granted (Hong Kong and Republic of Korea not designated for GSP on this product)
79-30	355.81	Vinyl-coated fabrics	Government of Korea	Petition Granted (Taiwan not designated for GSP on this product)
79-32	361.43	Certified hand-loomed and folklore wool floor coverings, not woven on a power driven loom, valued over 30 cents per square foot	Manos del Uruguay, Montevideo, Uruguay	Petition Granted
79-33	364.21	Certified hand-loomed and folklore tapestries of wool, including mohair, and needlework display motifs	Government of Lesotho	Petition Granted
79-34	385.45	Bags and sacks of vegetable fibers, except cotton, not bleached, or colored	Government of Bangladesh	Petition Granted
79-36	389.6245	Nylon sleeping bags	Noam-Urim, Israel	Petition Denied
79-39	427.88	Ethyl alcohol for non-beverage use	Government of Argentina	Petition Denied
79-44	533.22	Fine-grained earthenware, over $12 and not over $38 per set	Government of Romania	Petition Denied
79-57	610.3265	Spiral-welded steel pipe, over 16 inches in outside diameter	Grand Bahama Steel & Pipe Company, Ltd., Freeport, Bahamas	Petition Denied
79-58	618.02	Unwrought aluminum, other than alloys	Government of Romania	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
79-59	618.06	Other aluminum alloys	Government of Romania	Petition Granted
79-60	624.0330	Unwrought lead, alloyed	Government of Mexico	Petition Denied
80-1	112.21	Sardines in tomato sauce, cans 8 oz. and over and under 15 lb.	Toluca Corporation, Salt Lake City, Utah	Petition Granted
80-2	112.34	Other tuna	Government of Malaysia, Government of Morocco	Petition Denied
80-3	112.86	Sardines in oil, skinned or boned	Government of Peru	Petition Denied
80-4	117.8875	Other nonquota cheeses, including goat's milk cheese	Government of Portugal	Petition Denied
80-5	121.50 or 121.50 pt.	Pig and hog leather or Pig and hog leather in sheets of at least 5 square feet	Industrija Usnja Vrhnika, Yugoslavia, Tovarna Usnja Kamnik, Yugoslavia	Petition Denied
80-6	121.64	Fancy goat and kid leather	Florsheim Shoe Company, Chicago, Illinois	Petition Granted
80-7	135.61 or 135.61 pt.	Other vegetables, fresh, chilled or frozen or Fresh celery	AGREXCO, Israel	Petition Withdrawn
80-8	136.20	Eggplant entered April 1 to November 30	Government of Morocco	Petition Denied
80-9	136.22	Eggplant, other	Government of Morocco	Petition Denied
80-10	137.10	Peppers	AGREXCO, Israel	Petition Withdrawn
80-11	137.84	Frozen water chestnuts	La Choy Food Products, Archbold, Ohio	Petition Granted
80-12	138.4510	Other fresh or chilled vegetables, including Chinese leaves	AGREXCO, Israel	Petition Withdrawn
80-13	138.40	Frozen water chestnuts and bamboo shoots	La Choy Food Products, Archbold, Ohio	Petition Granted

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-14	140.70	Potato flour	Guatemala Export Promotion Center	Petition Granted
80-15	141.78	Bamboo shoots in airtight containers	La Choy Food Products, Archbold, Ohio	Petition Granted
80-16	145.50	Shelled pecans	Government of Mexico	Petition Granted
80-17	145.58 or 145.58 pt.	Other edible nuts, shelled or Macadamia nuts	Government of Malawi	Petition Denied
80-18	146.58	Strawberries entered June 15 to September 15	Government of Morocco	Petition Denied
80-19	146.60	Strawberries entered any other time	Government of Morocco	Petition Denied
80-20	148.25	Watermelons, entered December 1 to March 31, inclusive	Government of Honduras	Petition Granted
80-21	148.52	Dried olives, not ripe	Government of Morocco	Petition Granted
80-22	148.54	Dried olives, ripe	Government of Morocco	Petition Denied
80-23	150.05	Other mixtures of two or more fruits, prepared or preserved, including citrus salad	Narex-Middle East Co., Israel	Petition Denied
80-25	169.13 pt.	Cachaca	Government of Brazil	Petition Withdrawn
80-26	170.63	Clove cigarettes	Government of Indonesia	Petition Granted
80-27	182.49	Shrimp chips	Government of Indonesia	Petition Granted
80-28	184.51	Rapeseed oil cake and oil-cake meal	Government of Argentina	Petition Granted

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-29	184.53	Other oil cake and oil-cake meal, excluding soybean and cottonseed oil cake and oil-cake meal	Government of Argentina	Petition Granted
80-30	240.17 or 240.17 pt.	Plywood with a face ply of Philippine mahogany or Plywood with a face ply of meranti	Government of Indonesia, Government of Malaysia	Petition Denied
80-31	353.5012	Woven ornamented fabrics, in the piece, not specially provided for, of cotton by weight	Kashmir Valley Arts, Sante Fe Springs, Ca.	Petition Denied
80-32	360.04	Certified hand-loomed and folklore floor coverings in which pile is hand-inserted or hand-knotted, over 50 percent by weight of pile being hair of the alpaca, guanaco, huarizo, llama, misti, suri, or any combination of these	Government of Bolivia, Government of Morocco, Government of Peru	Petition Granted
80-33	361.23	Floor coverings composed in chief weight of vegetable fibers, except cotton	Government of Morocco	Petition Granted
80-34	361.26	Floor coverings composed in chief weight of the named material	Government of Morocco	Petition Granted
80-35	367.28	Certified hand-loomed and folklore wool pillow covers	Artesanias Titicaca, Ltda., Bolivia	Petition Granted
80-36	367.31	Certified hand-loomed and folklore wall hangings of wool	Artesanias Titicaca, Ltda., Bolivia Kashmir Valley Arts, Santa Fe Springs, Ca.	Petition Granted
80-37	386.0430 or 386.0430pt.	Other lace or net articles or Hand-woven hammocks	Government of El Salvador	Petition Denied
80-38	386.5040 or 386.5040pt.	Other articles of cotton or Hand-woven hammocks	Government of El Salvador	Petition Denied
80-39	387.25	Coir cordage	Government of India	Petition Granted
80-40	411.60 pt.	Ampicillin trihydrate	Fermentaciones y Sintesis, S.A., Mexico, Government of Mexico	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-42	412.22	Certain drugs including naproxen and naproxen sodium	Syntex USA Inc., San Francisco, Ca.	Petition Granted
80-43	425.9940 or 425.9940pt.	Other carboxylic acids or Monobromo acetic acid	Bromine Compounds, Ltd., Israel	Petition Denied
80-44	472.12	Barium sulfate, ground	Government of Mexico	Petition Granted
80-45	490.12	Stearic acid	Government of Colombia	Petition Granted
80-46	533.64	Household ware of nonbone chinaware or subporcelain in specified sets	Government of Argentina	Petition Denied
80-47	533.76	Household ware of nonbone chinaware, not available in specified sets	Government of Argentina	Petition Denied
80-48	533.78	Household ware of nonbone chinaware, not available in specified sets	Government of Argentina	Petition Denied
80-49	546.64	Glassware, cut or engraved, valued over $5 each	B.Z.T. Ltd., Israel	Petition Denied
80-50	546.68	Glassware, other, valued over $5 each	B.Z.T. Ltd., Israel	Petition Denied
80-51	650.47	Barbecue forks with wooden handles	Government of Colombia	Petition Granted
80-52	650.48	Table forks (including table serving forks) with handles of wood or base metal other than stainless steel	Government of Malaysia	Petition Granted
80-53	705.8540 or 705.8540pt.	Disposable gloves or Disposable surgical and medical gloves	H.G. Pollak (International) Ltd., Israel	Petition Denied
80-54	706.25	Flat goods of vegetable fibers other than cotton	Government of Malta	Petition Granted
80-55	706.27	Flat goods of textile materials other than cotton and other vegetable fibers	Kmart Corporation, Troy, Michigan, Government of Malta	Petition Granted (Hong Kong and Taiwan not designate for GSP on this product)

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences		
80-56	706.31	Flat goods of reinforced or laminated plastics	Government of Malta	Petition Granted
80-57	706.61	Flat goods of certain other materials	Kmart Corporation, Troy, Michigan,	Petition Granted (Hong Kong and Taiwan not designated for GSP on this product)
80-58	715.55	Time locks	Government of Argentina	Petition Granted
80-59	727.11	Rattan furniture	Government of Thailand	Petition Granted (Hong Kong and the Philippines not designated for GSP on this product)

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences		
80-60	117.65	Cheese made from sheep's milk	Cheese Importers Group of the Italy-America Chamber of Commerce, Inc., New York, New York	Petition Denied
80-61	117.67	Pecorino cheese	Cheese Importers Group of the Italy-America Chamber of Commerce, Inc., New York, New York	Petition Denied
80-62	732.3875	Bicycle caliper brakes	Dia-Compe, Inc., Fletcher, N.C.	Petition Withdrawn
80-63	774.55 or 774.55pt.	Other articles of rubber or plastics or Shopping bags of rubber or plastics	Amko Plastics, Inc., Cincinnati, Ohio	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Country Affected	Action taken
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences				
80-64	642.16	Steel wire rope	Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers, Washington, D.C.	Republic of Korea	Petition Granted
80-65	690.15	Railroad and railway rolling stock	AFL-CIO, Washington, D.C., Brotherhood of Railway Carmen of the United States and Canada, Washington, D.C., International Union, Transport Workers Union of America, Washington, D.C.	Mexico	Petition Denied
80-66	708.47	Eyeglass frames and mountings, and parts thereof	International Union of Electrical, Radio, and Machine Workers, Washington, D.C., Optical Manufacturers Association, Arlington, Va.	Hong Kong	Petition Granted
80-67	737.9535 or 737.9535pt.	Toys of rubber or plastic, inflatable or Toy balloons	National Latex Products Company, Ashland, Ohio, Oak Rubber Company, Ravenna, Ohio	Mexico	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		D. Petitions to subdivide a TSUS item currently designated as an eligible article for the Generalized System of Preferences		
80-68	653.94	Stainless steel cooking and kitchen ware	Metal Cookware Manufacturers Association, Walworth, Wisconsin	Petition Granted
80-72	734.2040	Hand-held electronic game machines	Interstate Industries, Inc., Mundelein, Illinois	Petition Denied

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner	Action taken
		E. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.		
80-69	121.55	Buffalo leather	Florsheim Shoe Company, Chicago, Illinois	Article found to be produced in the U.S.
80-70	121.62	Non-fancy goat and kid leather	Florsheim Shoe Company, Chicago, Illinois	Article found to be produced in the U.S.
80-71	141.70	Water chestnuts	La Choy Food Products, Archbold, Ohio	Article found not to be produced in the U.S.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I (Continued)

Case Reviews Completed

Part 2: Matters being considered on TPSC's Own Motion

Case No.	TSUS or TSUSA 1/ item No.	Article	Action taken
		Articles considered for removal from the list of eligible articles for the Generalized System of Preferences	
80-73	748.45	Coats, jackets and vests of down	Item removed from GSP product list

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex II

Case Reviews Pending

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
79-17	170.10	Cigar wrapper tobacco, not stemmed	Government of Nicaragua, Cigar Association of America, Inc., Washington, D.C.
79-18	170.15	Cigar wrapper tobacco, stemmed	Cigar Association of America, Inc., Washington, D.C.
79-20	170.69	Cigars and cheroots, each valued 15 cents and over	Government of Mexico, Government of Nicaragua
79-31	360.15	Floor coverings, hand-inserted pile, valued over 66-2/3 cents per square foot	Pande Cameron & Company, New York, New York, Government of Bangladesh, Government of India, Government of Turkey, Manos del Uruguay, Montevideo, Uruguay
80-24	161.07	Capers	Everett Trading Company, New York, New York, Government of Morocco
80-41	412.68 or 412.68pt.	Other products provided for in the Chemical Appendix to the Tariff Schedules or Catheter lubrication jelly	H.G. Pollak (International) Ltd., Israel

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-15853 Filed 5-27-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Development of Traffic Control Device: Self-Powered Vehicle Detector (SPVD); Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This document is to announce a meeting to discuss, with representatives of industry, the status of development and implementation activities concerning the self-powered vehicle detector (SPVD). The meeting is also being held to determine the level of interest among the manufacturers in picking up the SPVD concept and offering similar equipment to agencies with traffic control responsibility. All interested persons are invited to attend and participate in this meeting.

MEETING DATE: June 17, 1981.

TIME: 9 a.m.–Noon.

ADDRESS: Nassif Building, Room 7200, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Stockfisch, Office of Development, 202–426–9211; or Mr. Wil Baccus, Office of the Chief Counsel, 202–426–0786, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The SPVD, which was developed by the Federal Highway Administration, is an electronic device that detects the presence of vehicles which pass over it and transmits radio signals to a roadside receiver without the need for pysical wire interconnection. These radio signals can be used for intersection traffic control, surveillance or data collection purposes. Minimal installation costs are required. The meeting will include a demonstration of the equipment, presentations relative to the research accomplishments, detailed description of components, operational details, results of field testing, etc. Copies of the research report will be available for distribution.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued: May 19, 1981.

L. P. Lamm,

Executive Director.

[FR Doc. 81-15706 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Denial of Petition on Motor Vehicle Defects and Hearings

This notice sets forth the reasons for the denial of a petition relating to safety-related defects in a motor vehicle.

On February 25, 1981, James L. Everett, Jr. of Miami Springs, Florida, asked NHTSA to determine whether Fiat Motors of North America had met its responsibility to correct a safety-related defect in his 1979 Fiat XL/9 car with respect to "carburetor hesitation." Mr. Everett had experienced delays with his dealer who had no repair parts. After inquiry by NHTSA, Fiat informed the agency that repairs had been effected on April 23, 1981. Since no hearing was necessary to resolve the problem, Mr. Everett's petition was denied on May 5, 1981.

(Sec. 156, Pub. L. 93–492, 38 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 22, 1981.

Lynn Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-15945 Filed 5-27-81; 8:45 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

National Environmental Policy Act (NEPA) Implementing Procedures

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice.

SUMMARY: This final order revises the Saint Lawrence Seaway Development Corporation procedures for considering environmental impacts to conform with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act, issued November 29, 1978.

EFFECTIVE DATE: May 28, 1981.

FOR FURTHER INFORMATION CONTACT: M. Kirkey, Office of the Chief Engineer, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, N.Y. 13662, (315) 764–3254.

SUPPLEMENTARY INFORMATION:

1. Background

On November 29, 1978, the Council on Environmental Quality (CEQ) published regulations on the implementation of the National Environmental Policy Act (NEPA) (43 FR 55978). The CEQ regulations direct Federal Agencies to adopt procedures to implement the regulations (40 CFR 1507.3). The Department of Transportation (DOT) published DOT Order 5610.1C, October 1, 1979, (44 FR 56420), thereby providing implementing procedures for all elements within the DOT. This order, designated as SLSDC 10–5610.1C, sets forth specific responsibilities and instructions for Corporation implementation of the CEQ regulations. These implementing procedures outline only these Corporation-specific actions needed for compliance with the NEPA process and must be read in conjunction with the CEQ regulations and DOT Order 5610.1C. This order is an internal directive.

2. Response To Comment

The proposed Order and request for public comment was published on July 10, 1980. Comments were received from two federal agencies, one state agency, and one private environmental organization.

3. Principal Comment

Paragraph 6.b., Categorical Exclusions

The provision for categorical exclusion of several routine items caused concern in that the commenters felt that the excluded activities contained several items which could constitute major federal actions resulting in significant impacts on the environment.

As stated in the Corporation's proposed Order, under Supplemental Information, 1. Background, paragraph 2, the proposed Corporation's procedures must be read in conjunction with the DOT Order 5610.1C and the CEQ Regulations (40 CFR 1500–1508). Both the DOT Order and the CEQ Regulations contain language requiring that an environmental assessment or an EIS be prepared for any action which would otherwise be classified as categorically excluded, but which is likely to involve significant impacts on the environment, or substantial controversy (40 CFR 1508.4) (DOT 5610.1C, 20.b. 2). However, to further alleviate this concern, a statement has been added to Paragraph 6.b. (second sentence), which allows the actions listed under "Categorical Exclusions" to be performed as part of routine maintenance and construction, while insuring that should these activities be undertaken as part of a

major program, an environmental assessment or EIS will be prepared. This added statement should make it very clear that the items listed are not contemplated as part of the Great Lakes-St. Lawrence Seaway Navigation Season Extension Program. In addition to the aforementioned clarifying statement, categorically excluded Items 9. (Icebreaking) and 10. (Maintenance Dredging) have been further defined and limited.

The Advisory Council on Historic Preservation commented that a section should be included in the final regulations concerning compliance with Section 106 of the National Historic Preservation Act. It is felt that this is adequately covered in the DOT Order 5610.1C.

In consideration of the foregoing, the Saint Lawrence Seaway Development Corporation Order 10-5610.1C "Procedures for Considering Environmental Impacts" is promulgated to read as appears below.

Issued in Washington, D.C., on April 13, 1981.

David W. Oberlin,

Administrator, Saint Lawrence Seaway Development Corporation.

Department of Transportation

Saint Lawrence Seaway Development Corporation

Order—SLS 10-5610.1C

Procedures for Considering Environmental Impacts

1. *Purpose.* DOT Order 5610.1C establishes procedures for consideration of environmental impacts in decision making on proposed DOT actions. The Order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments or findings of no significant impact. These documents serve as the single vehicle for environmental findings and coordination. These procedures provide guidance for implementation of DOT Order 5610.1C.

2. *Cancellation.* SLS 10-5610.1B, Procedures for Implementation of DOT Order 5610.1B, issued March 31, 1975.

3. *Background.* The Council on Environmental Quality (CEQ) issued regulations for Implementing the Procedural Provisions of the National Environmental Policy Act on November 29, 1978 (43 FR 55978-56007). The CEQ regulations apply uniformly and are binding on all Federal agencies and direct agencies to adopt implementing procedures which relate the CEQ regulations to the specific needs of each agency's programs and operating procedures.

DOT Order 5610.1C implements NEPA and the CEQ regulations within the Department of Transportation and replaces Order DOT 5610.1B of 9-30-74. The Order provides instructions for implementation of relevant environmental laws and executive orders in addition to NEPA.

DOT Order 5610.1C provides that an operating administration may rely on the Order as its implementing procedures, with issuance of supplementary guidance applying the environmental process to the Administration's programs. Therefore, this notice presents the final SLSDC Order SLS 10-5610.1C, "Procedures for Considering Environmental Impacts", as guidelines for implementation of NEPA procedures, under DOT Order 5610.1C, within the Corporation.

4. *Definitions.* a. The term "Assistant Secretary" means the Assistant Secretary for Policy and International Affairs, Office of the Secretary, U.S. Department of Transportation, and his authorized representatives.

b. The term "Corporation" means the Saint Lawrence Seaway Development Corporation.

c. The term "Chief Engineer" means the Chief, Office of Engineering, Saint Lawrence Seaway Development Corporation and his authorized representatives.

d. The term "General Counsel" means the General Counsel, Saint Lawrence Seaway Development Corporation.

e. The term "Office Heads" includes the Director, Office of Program Review; Comptroller; General Counsel; Director, Office of Comprehensive Planning; Director, Office of Systems & Economic Analysis; Chief Engineer; Director, Office of Procurement & Supply; Director, Office of Administration; Chief, Office of Marine Services; Chief, Office of Maintenance and Chief, Office of Lock Operations, and their authorized representatives, Saint Lawrence Seaway Development Corporation.

5. *Scope.* These guidelines provide instructions for implementation of Section 102(2) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, hereinafter "NEPA") and the Regulations for Implementing NEPA issued by the Council on Environmental Quality, 11-29-79 (40 CFR 1500-1508); Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653, hereinafter "the DOT Act"); Sections 309 and 176 of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.); Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665, hereinafter "the Historic Preservation Act"); Sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583); Section 2 of the Fish and Wildlife Coordination Act (Pub. L. 85-624); Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1533); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1314 et seq.); and the various Executive Orders relating to environmental impacts.

6. *Environmental Processing Choice.* a. *Environmental Impact Statements.* An EIS shall be prepared for any proposed major Federal action significantly affecting the environment. (See also: CEQ 1508.27, paragraphs 7 and 10.) Listed below are types of Corporation actions which normally require the preparation of an EIS:

1. Legislation. A Legislative EIS will be prepared to accompany a bill or legislative proposal to Congress, recommended by the Corporation, significantly affecting the quality of the human environment.

2. Construction Projects (major) involving significant disturbances to earth, air or water.

b. *Categorical Exclusions.* The following actions are not major Federal actions with a significant impact on the environment, and do not require either an environmental assessment or an environmental impact statement. In case of extraordinary circumstances whereby any of the following items, which are normally excluded, may have a significant effect on the environment, or cause substantial controversy, an environmental assessment or EIS will be prepared.

1. Administrative procurements (e.g. general supplies) and contracts for personal services;

2. Personnel Actions (e.g. promotions, hirings);

3. Project amendments (e.g. increases in costs) which do not significantly alter the environmental impact of the action;

4. Issuance of vessel passage permits as a matter of routine Seaway procedures;

5. Amendments to the Seaway Regulations;

6. Reconstruction, repair and maintenance of existing navigation aids and construction of new fixed aids;

7. De-icing equipment and measures at the locks and lock approaches;

8. Modifications to the Saint Lawrence Seaway Tariff of Tolls;

9. Icebreaking: Icebreaking activity is limited to the intermediate pool and approximately three miles above Eisenhower Lock (vicinity of Metropolitan Petroleum Co.) and one-

half mile below Snell Lock (training dike area.)

10. Maintenance dredging: In some areas, the river bottom has high spots caused by silting in from the banks, anchor dragging and/or river current. In these areas, Maintenance dredging is required to maintain our congressionally mandated 27 ft. waterway. No other dredging will be allowed under this category. Our maintenance dredging is performed under specific permit conditions approved by the New York State Department of Environmental Conservation and the U.S. Army, Corps of Engineers.

11. Modifications to and maintenance of lock operating equipment, vessel traffic control equipment, buildings, grounds, floating plant, and existing facilities;

12. Equipment purchases and operating expenses;

13. Grants of leases, licences, permits or easements for use of Corporation-owned property.

c. *Environmental Assessment.* An environmental assessment is a document concisely describing the need for the proposal, the environmental impacts of a proposed action, its alternatives and a list of agencies and persons consulted. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The assessment will be the basis for the Corporation's determination to prepare an EIS or to publish a finding of no significant impact (FONSI). (See CEQ 1508.9)

d. *Finding of No Significant Impact (FONSI).* 1. If the environmental assessment reveals that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared and attached to the environmental assessment. The FONSI will not be coordinated outside the Corporation, except as set forth in Paragraph (2) below. Notice of availability will be provided to the public in accordance with CEQ 1506.6.

2. If the proposed action is similar to one which normally requires and EIS, the nature of the action is one without precedent, or the action is likely to have more than minimal impact on properties protected by Section 4 (f) and Section 106 of the Historic Preservation Act or is inconsistent with any Federal, State or local law or administrative determination relating to the environment, a copy of the environmental assessment shall be provided to the Assistant Secretary for Policy and International Affairs (Assistant Secretary), and the documents made available to the public (including state and areawide clearing houses) for a period of 30 days before the FONSI is made and the action is implemented. Consultation with other Federal agencies as suggested in DOT 5610.1C shall be accomplished during the 30-day period.

7. *Corporation Decision Making Procedures.* a. All Office Heads shall forward a description of proposed major programs or actions to the Chief Engineer for review at the time of initial technical studies.

b. All such proposed programs received by the Chief Engineer will be reviewed and a determination made, under these procedures, as to whether the program is one which (1) normally requires an EIS or (2) normally does not require an EIS or an environmental assessment (categorical exclusion). If the action is not covered by either of the foregoing, the Chief Engineer shall prepare an environmental assessment within 30 days of receipt of the document.

8. *Preparation and Processing of Draft Environmental Statements.* a. *Responsibility.* The Chief Engineer is responsible for the preparation and processing of Draft Environmental Impact Statements. Professional services for this preparation may be obtained from other Federal, State, or local agencies, universities, or consulting firms; however, the Chief Engineer must review and evaluate the documents. The Corporation's General Counsel shall review all Corporation environmental statements for legal sufficiency.

b. *Timing.* The Chief Engineer shall commence preparation of the draft EIS at the earliest practical time after receipt of notification of the proposed action and determination that the action will significantly affect the quality of the human environment. As soon as a decision to prepare a draft EIS has been made, the Chief Engineer shall undertake the scoping process identified in CEQ 1501.7. For construction projects directly undertaken by the Corporation, the EIS shall be prepared at the feasibility stage, and supplemented at a later date, if necessary.

c. *Preparation of Draft.* The Corporation will follow the Format and Content shown as Attachment 2 to DOT Order 5610.1C. See also CEQ Part 1502.

d. *Inviting Comments on the Draft EIS.* The Chief Engineer shall circulate the draft EIS for comment to (1) all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties; (3) EPA Office of Federal Activities, and (4) the Assistant Secretary.

9. *Ensuring Environmental Documents are Actually Considered in Agency Decision Making.* Section 1505.1 of the NEPA regulations contains requirements to ensure adequate consideration of environmental documents in agency decision making. To implement these requirements, Corporation officials shall:

1. Consider all relevant environmental documents in evaluating proposals for agency action;

2. Make all relevant environmental documents, comments and responses part of the record in formal rule making or adjudicatory proceedings;

3. Ensure that all relevant environmental documents, comments and responses accompany the proposal through existing agency review processes;

4. Consider only those alternatives encompassed by the range of alternatives discussed in the relevant environmental documents when evaluating proposals for agency action;

5. Where an EIS has been prepared, consider the specific alternatives analyzed in the EIS when evaluating the proposal which is the subject of the EIS.

For each of the Corporation's principal programs, the following chart identifies the point at which the NEPA process begins, the point at which it ends, and the key agency officials or offices required to consider environmental documents in their decision making.

Principal Program	Start of NEPA process	Completion of NEPA process	Key officials or offices required to consider environmental documents
Construction Projects (major, involving sig. disturbances to earth, air or water).	When description of proposed project is received.	At the time the Project is approved or denied.	Chief Engineer, General Counsel.

Mitigation measures identified in the EIS will be included in the construction contract with requirement for compliance by the Contractor. This requirement shall be monitored and enforced by the Project Officer for the project.

10. *Citizen Involvement.* As soon as the Chief Engineer decides that an Environmental Statement is to be prepared, the Chief Engineer shall solicit citizen comments by any or all of the following means: conducting hearings, making personal contact with interested parties, issuing press releases, placing notices in newspapers, and publishing a notice of intent in the **Federal Register.** The Chief Engineer shall develop lists of interested parties at the national, state and local levels. Citizen involvement and environmental issues raised in the public commenting process will be documented in the environmental statement. The Chief Engineer shall determine whether a public hearing is required and shall consider the following factors in making this determination: the magnitude of the costs, environmental impact, degree of interest evidenced by the public, the complexity of the issue and the extent to which public involvement has been achieved through other means. If a public hearing is to be held, the Office of the Chief Engineer shall make the draft EIS or environmental assessment available to the public at least 30 days prior to the hearing.

Interested persons may obtain information on Corporation environmental procedures and on the status of EISs issued by the Corporation from the Office of the Chief Engineer, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, telephone 315–764–3254.

11. *Final Environmental Impact Statement.* a. *Preparation.* The draft statement shall be revised as appropriate, reflecting comments received, issues raised, preferred alternatives, and measures to mitigate adverse impacts. The final statement shall reflect consultation and efforts made to resolve issues raised, including an explanation of why any remaining issues have not been resolved.

b. *Legal Review.* All Corporation final environmental statements shall be reviewed for legal sufficiency by the Corporation's General Counsel or his designee. The legal review should be completed within 30 days after receipt of the statement. When the review is complete, the General Counsel will return the statement to the Office of the Chief Engineer for final processing, as outlined in paragraph d. below.

c. *Internal Processing.* Final environmental impact statements may be approved by the Administrator or a designee originating the action, but only after concurrence of the Assistant Secretary. The Assistant Secretary after review of a draft EIS for a proposed action may decide that the final EIS may be processed without prior concurrence. (See DOT 5610.1C, para. 11. d. (6)). Concurrence of both the Assistant Secretary and the DOT General Counsel is required for actions which involve a 4(f) determination.

d. *Final Processing.* Two copies of final environmental statements, together with all comments received on the draft from responsible Federal, State and local agencies and private organizations shall be submitted to the Assistant Secretary, by the Chief Engineer, for concurrence. The final statement may be deemed to be concurred in by the Assistant Secretary unless, within two weeks after its receipt, the Assistant Secretary notifies the Chief Engineer to the contrary or requests an extension of the review period or unless it is a statement including a section 4(f) determination. Final statements for actions with section 4(f) involvement may be deemed concurred in by the Assistant Secretary and the DOT General Counsel after 30 days, unless the Assistant Secretary notifies the Chief Engineer to the contrary or requests an extension of the review period.

e. *Availability pending approval.* Proposed final statements, with a notation that the statement is not approved and filed, should be made available to the public and Federal, State or local agencies prior to final approval and filing with EPA.

f. *Availability of Statements to EPA and the Public.* After approval, copies of final statements shall be transmitted to EPA and commenting agencies and made available to the public as described in DOT 5610.1C, h. and CEQ 1506.9.

g. *Record of Decision.* The Office of the Chief Engineer shall prepare a draft record of decision which shall accompany the proposed final EIS through the approval process (See DOT 5610.1C, paragraph 11.i, and CEQ 1502.2.)

12 *Proposals for Legislation.* An EIS shall be prepared for any Corporation originated legislative proposal or when the Corporation develops the Departmental position on the report on proposed legislation for which DOT is primarily responsible. (See DOT 5610.1C, paragraph 15).

13. *Timing of Corporation Actions.* No decision shall be made on a proposed action sooner than the later of the following dates:

a. Thirty (30) days after a final EIS covering the action has been submitted to EPA, as measured from the date the EPA publishes a notice of the final EIS's availability in the **Federal Register**; or

b. Ninety (90) days after a draft EIS has been made available to the public, as measured from the date the EPA publishes a notice of the draft EIS's availability in the **Federal Register.**

When Corporation officials believe it is necessary to shorten the prescribed time periods for EIS processing, consultation with EPA through the Assistant Secretary is required.

Where emergency circumstances make it necessary to take on action with significant environmental impacts without observing the provisions of this Order, DOT 5610.1C and the CEQ regulations, the Chief Engineer shall consult with CEQ through the Assistant Secretary.

[FR Doc. 81-15883 Filed 5-27-81; 8:45 am]
BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 24]

Surety Companies Acceptable on Federal Loans

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $4,695,000 has been established for the company.

Name of Company:
Iowa National Mutual Insurance Company
Business Address:
518 Second Ave., S. E.
Cedar Rapids, Iowa 52406
State of Incorporation:
Iowa

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as

to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1980 Revision, at page 44507 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 20, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-15990 Filed 5-27-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 102
Thursday, May 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Equal Employment Opportunity Commission	2
Federal Election Commission	3
Federal Home Loan Bank Board	4
Federal Maritime Commission	5
Federal Reserve System (Board of Governors)	6
Nuclear Regulatory Commission	7
Postal Service (Board of Governors)	8
Securities and Exchange Commission	9

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, June 5, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-832-81 Filed 5-26-81; 11:31 am]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-805-81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, May 26, 1981.

CHANGE IN THE MEETING: The following item was added to the closed portion of the agenda:

The transfer of cases from General Counsel to the Office of Systemic

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:
J. Clay Smith, Jr., Acting Chair
Daniel E. Leach, Vice Chair
Armando M. Rodriguez, Commissioner

Opposed:
None

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued May 26, 1981.

[S-835-81 Filed 5-26-81; 3:53 pm]

BILLING CODE 6750-06-M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 2, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, June 4, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public (fifth floor).

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
- Draft AO 1981-19: Robert H. Fry, Director, The Louisiana State Medical Society Political Action Committee (LAMPAC)
- Draft AO 1981-20: Dale V. Cunningham, General Counsel, Sunkist Growers, Inc.
- Draft AO 1981-21: Barbara Koirtyohann, Secretary/Treasurer, Hallmark Policital Action Committee (HALLPAC)

Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-836-81 Filed 5-26-81; 3:59 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 4, 1981.

PLACE: 1700 G Street N.W., Board Room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items will be on the open portion of the Bank Board meeting scheduled for Thursday, June 4, 1981.

Trust Department Application—First Federal Savings & Loan Association of Chicago, Chicago, Illinois (Federal Mutual)
Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—First Federal Savings & Loan Association of Martin, Martin, Tennessee (Mutual Association) *into* First Federal Savings & Loan Association of Union City, Tennessee (Mutual Association)
Increase in Accounts of an Insurable Type (Merger); Cancellation of Membership and Insurance and Transfer of Stock—Monroe Savings & Loan Association of Newark, Newark, New Jersey (Mutual) *into* Nutley Savings & Loan Association, Nutley, New Jersey (Mutual)
Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juenau, Alaska
Concurrent Branch Office Applications—(1) Local Federal Savings & Loan Association, Oklahoma City, Oklahoma, (2) MidAmerica Federal Savings & Loan Association, Tulsa, Oklahoma, (3) Frontier Federal Savings & Loan Association, Ponca City, Oklahoma
Change of Corporate Title—First Federal Savings & Loan Association of Greenville, Greenville, South Carolina
Application for Bank Membership and Insurance of Accounts—Standard Savings & Loan Association (Stock), Los Angeles, California
Trust Department Application—Hennipen Federal Savings & Loan Association (Mutual) Minneapolis, Minnesota
Service Corporation Activity—First Federal Savings & Loan Association of Chicago (Mutual) Chicago, Illinois

No. 491, May 26, 1981.

[S-830-81 Filed 5-26-81; 9:50 am]

BILLING CODE 6720-07-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 28062, May 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., open session, 2 p.m. closed session, May 27, 1981.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

8. Docket No. 80-69: Archie Peltzman v. American Maritime Association, et al.—Consideration of Appeal from Order of Dismissal.

Addition of the following item to the open session:

9. Docket No. 80-56—Temporary Tariff Filing Regulations Applicable to Carriers and Conferences of Such Carriers in the Foreign Commerce of the United States—Consideration of comments.

Withdrawal of the following item from the closed session:

3. Intermodal Legislation.

[S-829-81 Filed 5-26-81; 9:50 am]

BILLING CODE 6730-01-M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, June 1, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[S-834-81 Filed 5-26-81; 2:02 pm]

BILLING CODE 6210-01-M

7

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 25, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Tuesday, May 26:

2 p.m.: (1) Discussion of Revised Licensing Procedures (previously announced for May 26, 10 a.m.)

Wednesday, May 27:

2:30 p.m.: (1) Discussion of Policy on Proceeding with Pending CP and ML Applications (previously announced for May 26)

Thursday, May 28:

2 p.m.: (1) Discussion of Revisions to Reactor Operator Qualifications (previously announced for May 27). (2) Affirmation/Discussion Session. Affirmation and/or Discussion and Vote:

a. Request for a Hearing (In the Matter of Consumers Power Co.)
b. Approval to grant Access to Restricted Data to Designated Members of Congress
c. Amendments to 10 CFR 19 to Establish Staff Authority to Call Meetings with Licensees
d. Revised TMI-1 Restart Order
e. Financial Protection for TMI Units 1 and 2 (delayed from May 21)
f. Commission Review of ALAB-603, St. Lucie (delayed from May 21)
g. Motion for Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (delayed from May 21)
h. Proposed Response to Honicker Petition (delayed from May 21)

ADDITIONAL INFORMATION: Discussion and Possible Vote on Full-Power License for Sequoyah-2, announced for Thursday, May 28, has been cancelled.

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 21, 1981.

Walter Magee,

Office of the Secretary.

[S-828-81 Filed 5-22-81; 4:38 pm]

BILLING CODE 7590-01-M

8

POSTAL SERVICE.

(Board of Governors)

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8:00 A.M. on Tuesday, June 2, 1981, in Conference Room 1101, Chicago Main Post Office, 433 West Van Buren Street, Chicago, Illinois. Except as indicated in the following paragraphs, this meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meeting of May 4, 1981, the Board of Governors of the United States Postal Service voted to close to public observation portions of its next meeting which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

The closed session will include a briefing on possible deferral of certain capital investments in view of prospective appropriations reductions and other revenue deficiencies. A portion of the meeting to be closed will involve a discussion of a proposed filing with the Postal Rate Commission concerning Red Tag mail. Another portion of the meeting to be closed will involve a continuation of the discussion of the Postal Service's labor relations strategies and positions.

Agenda

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Adjustments of Certain Officers Salaries.
   (The Board will discuss adjustments in the compensation of certain officers.)
4. Report of Regional Postmaster General.
   (Mr. Carlin, Regional Postmaster General, will report on postal conditions in the Central Region.)
5. Report of Chief Postal Inspector.
   (The Board will consider a report on the Postal Inspection Service.)
6. Multi-Position Flat Sorting Machine Procurement.
   (The Board will consider a proposed capital investment for the purchase of 166 Model 775 Flat Sorting Machines.)
7. PRC Filing on Proposal for Attached Mailings.
   (The Board will consider a filing with the Postal Rate Commission on the rates to be paid for attached mail, where a host piece is accompanied by a piece or pieces from another class.)
8. Phasing Rates for Bulk or 3rd-Class Non-Profit, Carrier Route Presort Mail.
   (The Governors will consider possible actions in the light of the May 5, 1981, U.S. Court of Appeals (D.C. Circuit) Decision *National Easter Seal Society for Crippled Children and Adults* v. *U.S.P.S.*)
9. Report of Committee on Corporate Responsibility.
   (The Board will discuss the Committee's report in regard to Postal Service policy on equal employment opportunity and affirmative action.)

As stated in the Notice of Meeting, the part of the meeting that includes the

following matters will be closed to public observation.

10. Briefing on Possible Deferral of Capital Items.
(The Board will be briefed on the possible deferral of capital investment projects as a means of dealing with appropriations reductions and other revenue deficiencies.)
11. Red Tag Mail.
(The Board will consider a filing with the Postal Rate Commission on Red Tag mail.
12. Discussion of Labor Relations Strategies and Positions in connection with Anticipated Bargaining Negotiations.
(The Board will continue its discussion of the Postal Service's possible labor relations strategies and positions.)

Louis A. Cox,

Secretary.

[S-833-81 Filed 5-26-81; 11:40 am]

BILLING CODE 7710-12-M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting/open meeting.

PLACE: Room 825, 500 North Capital Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: May 18, 1981.

CHANGES IN THE MEETING: Rescheduling/additional items.

The following item will not be considered at a closed meeting scheduled for Tuesday, May 26, 1981, at 10:00 a.m., but has been rescheduled for consideration at the closed meeting on Wednesday, May 27, 1981, following the 10:00 a.m. open meeting:

Litigation matter.

The following item will not be considered at the closed meeting scheduled for Wednesday, May 27, 1981:

Institution of injunctive action.

The following additional item will be considered at the open meeting scheduled for Wednesday, May 27, 1981, at 10:00 a.m.:

Consideration of whether to approve an application by the National Association of Investment Clubs for an extension of its exemption from the broker-dealer registration requirement of Section 15(a) of the Securities Exchange Act of 1934. For further information, please contact Joel M. Bludman at (202) 272-2847.

The following additional item will be considered at the closed meeting scheduled for Wednesday, May 27, 1981, following the 10:00 a.m. open meeting:

Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2468.

May 22, 1981.

[S-831-81 Filed 5-26-81; 9:54 am]

BILLING CODE 8010-01-M

federal register

Thursday
May 28, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska; Oil and Gas Lease Sale No. RS-1; Leasing Systems

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska
Oil and Gas Lease Sale No. RS-1

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until June 29, 1981, 4:30 p.m., or by personal delivery to Federal Building, 701 C Street, Room C-117, Anchorage, Alaska, between the hours of 8:30 a.m., a.h.s.t., and 9:30 a.m., a.h.s.t., June 30, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.h.s.t., June 30, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.h.s.t., June 30, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft or certified

check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental of $8 per hectare or fraction thereof. Leases awarded under 4(a) and (c) will provide for a minimum royalty of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts R-55-138, R-55-139, R-55-159, R-55-160, R-55-161, R-55-162, R-55-182, R-55-183, R-55-184, R-55-185, R-55-195, R-55-196, R-55-206, R-55-207, R-55-208, R-55-218, R-55-219, R-55-230, R-55-231, R-55-326, R-55-327, R-55-328, R-55-329, R-55-330, R-55-341, R-55-342, R-55-343, R-55-344, and R-55-345 must be submitted on a cash bonus bid basis with the percent royalty due, in amount or value of production saved, removed or sold, fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b(\ln (Vj/S))$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

Figure 1
Form of the Sliding Scale Royalty Schedule

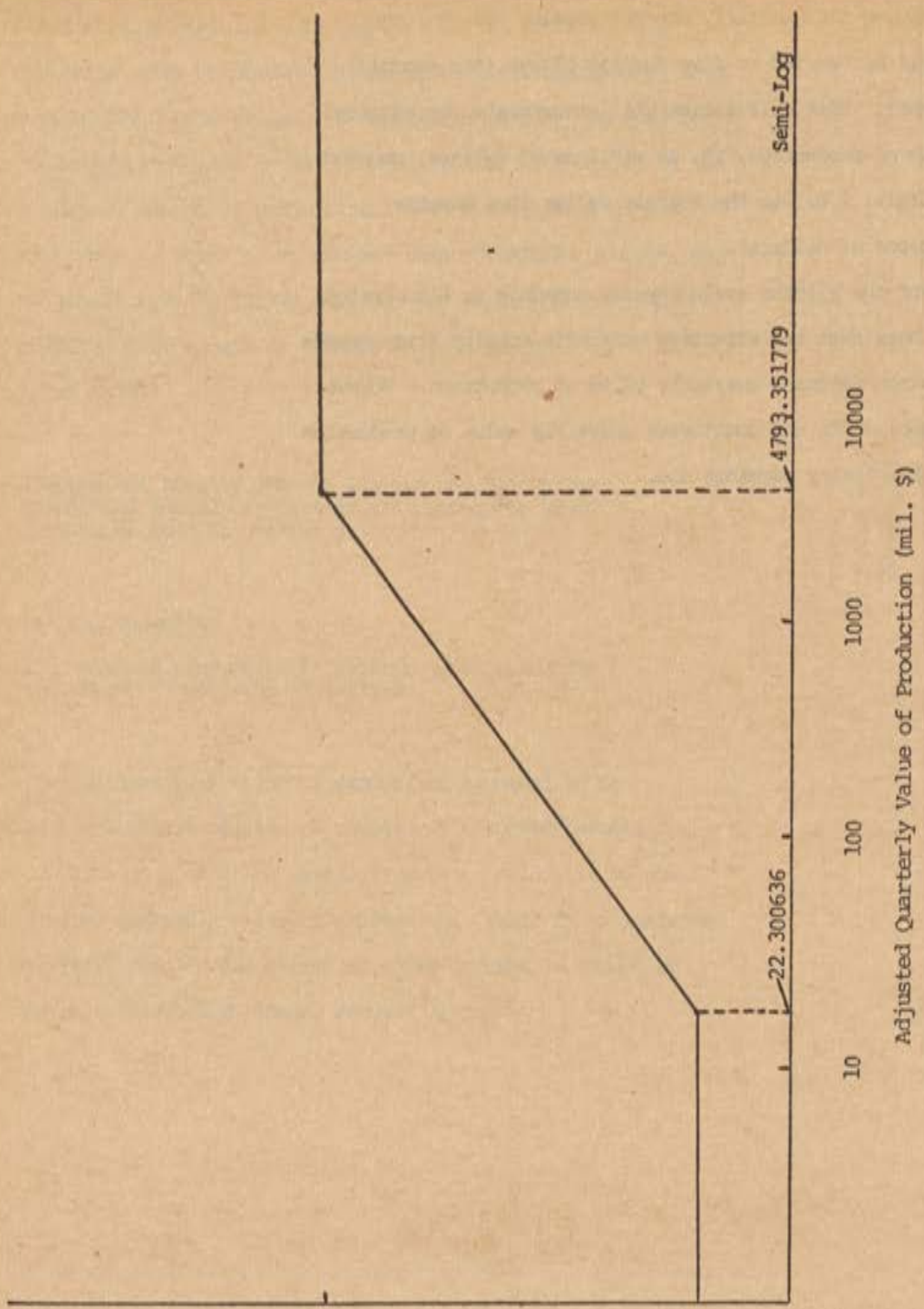


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	16.74677	5.024031
90.000000	200.0	4/3	67.500000	26.63428	23.970852
270.000000	200.0	4/3	202.500000	36.52179	98.608833
810.000000	200.0	4/3	607.500000	46.40930	375.915330
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	16.66667	5.000001
90.000000	250.0	5/3	54.000000	24.62599	22.163391
270.000000	250.0	5/3	162.000000	34.51350	93.186450
810.000000	250.0	5/3	486.000000	44.40101	359.648181

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).
2 Column (A) divided by Inflation Factor.
3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts R-55-78, R-55-79, R-55-80, R-55-106, R-55-131, R-55-132, R-55-152, R-55-163, R-55-164, R-55-186, R-55-187, R-55-188, R-55-211, R-55-212, R-55-220, R-55-221, R-55-234, R-55-235, R-55-251, R-55-252, R-55-253, R-55-267, R-55-268, R-55-269, R-55-283, R-55-284, R-55-285, R-55-288, R-55-289, R-55-290, R-55-291, R-55-292, R-55-293, R-55-294, R-55-295, R-55-296, R-55-297, R-55-298, R-55-299, R-55-300, R-55-301, R-55-304, R-55-305, R-55-306, R-55-307, R-55-308, R-55-309, R-55-310, R-55-311, R-55-312, R-55-313, R-55-314, R-55-315, R-55-316, R-55-317, R-55-320, R-55-321, R-55-322, R-55-323, R-55-324, R-55-325, R-55-331, R-55-332,

R-55-333, R-55-335, R-55-336, R-55-337, R-55-338, R-55-339, R-55-340, R-55-346, and R-55-347 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 1.5 capital recovery factor. The net profit share payment shall be calculated according to the Department of Energy regulation in 10 CFR 390 (45 FR 36784, May 30, 1980).

(c) Bonus Bidding with a Fixed Constant Royalty. Bids on the remaining tracts must be on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., June 30, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Section 14 below, "Information to Lessees."

6. Bid Opening. Bids will be opened on June 30, 1981, beginning at 10 a.m., a.h.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, June 30, 1981, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bonus bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

(a) Outer Continental Shelf Official Protraction Diagram NO 7-2, Yakutat (approved 10/31/74)

(b) Outer Continental Shelf Official Protraction Diagram NO 7-4, Alsek Valley (approved 9/22/75)

12. Tract Descriptions. The tracts offered for bid are as follows:

NOTE--There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. For administrative reasons, the tract prefix has been changed to R-55- from Rl-55-, which latter prefix appeared in the Proposed Notice of Sale.

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2
(Approved 10/31/74)

Tract No.	Block No.	Description	Hectares
R-55-75	798	All	2304.00
R-55-76	799	All	2304.00
R-55-77	800	All	2304.00
R-55-78	801	All	2304.00
R-55-79	802	All	2304.00
R-55-80	803	All	2304.00
R-55-81	804	All	2304.00
R-55-82	805	All	2304.00
R-55-83	806	All	2304.00
R-55-84	807	All	2304.00
R-55-106	847	All	2304.00
R-55-107	848	All	2304.00
R-55-108	849	All	2304.00
R-55-109	850	All	2304.00
R-55-110	851	All	2304.00
R-55-111	852	All	2304.00
R-55-131	890	All	2304.00
R-55-132	891	All	2304.00
R-55-133	892	All	2304.00
R-55-134	893	All	2304.00
R-55-135	894	All	2304.00
R-55-136	895	All	2304.00
R-55-137	896	All	2304.00
R-55-138	897	All	2304.00
R-55-139	898	All	2304.00
R-55-152	934	All	2304.00
R-55-154	936	All	2304.00
R-55-155	937	All	2304.00
R-55-156	938	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, YAKUTAT NO 7-2, continued

Tract No.	Block No.	Description	Hectares
R-55-157	939	All	2304.00
R-55-158	940	All	2304.00
R-55-159	941	All	2304.00
R-55-160	942	All	2304.00
R-55-161	943	All	2304.00
R-55-162	944	All	2304.00
R-55-163	945	All	2304.00
R-55-164	946	All	2304.00
R-55-172	975	All	2304.00
R-55-177	980	All	2304.00
R-55-178	981	All	2304.00
R-55-179	982	All	2304.00
R-55-180	983	All	2304.00
R-55-181	984	All	2304.00
R-55-182	985	All	2304.00
R-55-183	986	All	2304.00
R-55-184	987	All	2304.00
R-55-185	988	All	2304.00
R-55-186	989	All	2304.00
R-55-187	990	All	2304.00
R-55-188	991	All	2304.00
R-55-195	1019	All	2304.00
R-55-196	1020	All	2304.00
R-55-201	1025	All	2304.00
R-55-202	1026	All	2304.00
R-55-203	1027	All	2304.00
R-55-206	1030	All	2304.00
R-55-207	1031	All	2304.00
R-55-208	1032	All	2304.00
R-55-211	1035	All	2304.00
R-55-212	1036	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4
(Approved 9/22/75)

Tract No.	Block No.	Description	Hectares
R-55-218	7	All	2304.00
R-55-219	8	All	2304.00
R-55-220	9	All	2304.00
R-55-221	10	All	2304.00
R-55-224	13	All	2304.00
R-55-225	14	All	2304.00
R-55-226	15	All	2304.00
R-55-230	19	All	2304.00
R-55-231	20	All	2304.00
R-55-234	23	All	2304.00
R-55-235	24	All	2304.00
R-55-240	54	All	2304.00
R-55-241	55	All	2304.00
R-55-242	56	All	2304.00
R-55-243	57	All	2304.00
R-55-244	58	All	2304.00
R-55-245	59	All	2304.00
R-55-246	60	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-249	63	All	2304.00
R-55-250	64	All	2304.00
R-55-251	65	All	2304.00
R-55-252	66	All	2304.00
R-55-253	67	All	2304.00
R-55-254	68	All	2304.00
R-55-255	69	All	2304.00
R-55-256	98	All	2304.00
R-55-257	99	All	2304.00
R-55-258	100	All	2304.00
R-55-259	101	All	2304.00
R-55-260	102	All	2304.00
R-55-261	103	All	2304.00
R-55-262	104	All	2304.00
R-55-263	105	All	2304.00
R-55-264	106	All	2304.00
R-55-265	107	All	2304.00
R-55-266	108	All	2304.00
R-55-267	109	All	2304.00
R-55-268	110	All	2304.00
R-55-269	111	All	2304.00
R-55-270	112	All	2304.00
R-55-271	113	All	2304.00
R-55-272	142	All	2304.00
R-55-273	143	All	2304.00
R-55-274	144	All	2304.00
R-55-275	145	All	2304.00
R-55-276	146	All	2304.00
R-55-277	147	All	2304.00
R-55-278	148	All	2304.00
R-55-279	149	All	2304.00
R-55-280	150	All	2304.00
R-55-281	151	All	2304.00
R-55-282	152	All	2304.00
R-55-283	153	All	2304.00
R-55-284	154	All	2304.00
R-55-285	155	All	2304.00
R-55-286	156	All	2304.00
R-55-287	157	All	2304.00
R-55-288	186	All	2304.00
R-55-289	187	All	2304.00
R-55-290	188	All	2304.00
R-55-291	189	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-292	190	All	2304.00
R-55-293	191	All	2304.00
R-55-294	192	All	2304.00
R-55-295	193	All	2304.00
R-55-296	194	All	2304.00
R-55-297	195	All	2304.00
R-55-298	196	All	2304.00
R-55-299	197	All	2304.00
R-55-300	198	All	2304.00
R-55-301	199	All	2304.00
R-55-302	200	All	2304.00
R-55-303	201	All	2304.00
R-55-304	230	All	2304.00
R-55-305	231	All	2304.00
R-55-306	232	All	2304.00
R-55-307	233	All	2304.00
R-55-308	234	All	2304.00
R-55-309	235	All	2304.00
R-55-310	236	All	2304.00
R-55-311	237	All	2304.00
R-55-312	238	All	2304.00
R-55-313	239	All	2304.00
R-55-314	240	All	2304.00
R-55-315	241	All	2304.00
R-55-316	242	All	2304.00
R-55-317	243	All	2304.00
R-55-318	244	All	2304.00
R-55-320	274	All	2304.00
R-55-321	275	All	2304.00
R-55-322	276	All	2304.00
R-55-323	277	All	2304.00
R-55-324	278	All	2304.00
R-55-325	279	All	2304.00
R-55-326	280	All	2304.00
R-55-327	281	All	2304.00
R-55-328	282	All	2304.00
R-55-329	283	All	2304.00
R-55-330	284	All	2304.00
R-55-331	285	All	2304.00
R-55-332	286	All	2304.00
R-55-333	287	All	2304.00
R-55-335	318	All	2304.00
R-55-336	319	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM NO 7-4, continued

Tract No.	Block No.	Description	Hectares
R-55-337	320	All	2304.00
R-55-338	321	All	2304.00
R-55-339	322	All	2304.00
R-55-340	323	All	2304.00
R-55-341	324	All	2304.00
R-55-342	325	All	2304.00
R-55-343	326	All	2304.00
R-55-344	327	All	2304.00
R-55-345	328	All	2304.00
R-55-346	329	All	2304.00
R-55-347	330	All	2304.00

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production saved, removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b(\ln (Vj/S))$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 26.372765 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4(b), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Fixed Net Profit Share. The lessee agrees to pay a net profit share rate of 40 percent with a 1.50 capital recovery factor, calculated pursuant to 10 CFR 390.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager, Field Operations, Alaska Region, U.S. Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1.

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource", may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline or platform placement, hereinafter in this stipulation referred to as "operation", the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by such lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and the Manager for review.

If such cultural resource indicators are present, the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager, for their review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2.

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DCM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated and implemented by qualified instructors experienced in pertinent fields of study, and shall employ effective methods to insure that personnel understand and use techniques necessary to preserve archaeological, geological, and biological resources including bird and sea mammal rookeries, and insuring avoidance and non-harassment of wildlife resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3.

Pipelines will be required, (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of any intergovernmental coordinating committee.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972, as amended (46 U.S.C. 391a).

Stipulation No. 4.

(a) Wells: Subsea well-heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, in such a manner as to allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the DCM. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ± 50 ft. (15.25 m) at 200 mi. (322 kms).

(b) Pipelines: All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other protrusions, they shall be shielded in such a manner as to allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 5.

(To be included only in the leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice)

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, U.S. Geological Survey, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in sec. 15(d): the royalty on any portion of the production saved, removed or sold from the lease in excess of 16-2/3 percent may only be taken in value of the production saved, removed or sold from the lease area.

Stipulation No. 6

No underwater blasting using high velocity explosives for the purposes of seismic exploration may be conducted. As used in this stipulation, "high velocity explosives" are those explosives with a burning rate

greater than 4,500 fps or creating a pressure curve with a sharp spike and rise time of less than 6 milliseconds. This stipulation is intended to protect marine life and the marine environment by precluding the use of conventional, high velocity explosives, such as dynamite, for seismic exploration. The stipulation is not intended to preclude U.S. Geological Survey approval of geophysical energy sources such as air guns, sparkers, sleeve exploders, and similar devices.

Stipulation No. 7

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(b) of this notice).

The net profit share payment specified in Section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d): additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. The lessee should contact the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, as appropriate, regarding potential impacts of lease activities with regard to these laws.

To reduce the impacts of aircraft disturbance at seabird colonies and marine mammal rookeries along the coast, a distance of at least one-half mile from the coastline and an altitude of 1,500 feet should be maintained from Yakutat Bay to Dry Bay during the period of May 1 to September 15. To provide similar protection to waterfowl nesting and staging in Yakutat Bay and on the Yakutat forelands, a 1,500-foot altitude should be maintained over these areas during April 1 to October 31. The DCM shall identify the critical areas in the Yakutat forelands to lessees

and operators. The lessee is advised that all violations may be reported to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or the Alaska Department of Fish and Game, as appropriate, for disposition. Human safety will take precedence over the provisions of these restrictions.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which may be established, among other reasons, for the purpose of protecting commercial fisheries. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Ports and Waterways Safety Act of 1972, as amended.

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a

different royalty rate or a royalty rate based on a sliding scale, or a fixed net profit share.

Bidders for these tracts should recognize that the Department of Energy is authorized under section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Ed Hastey

Date: MAY 22 1981

Ed Hastey
Associate Director, Bureau of Land Management

Approved:

Donald Paul Hodel

Donald Paul Hodel
Under Secretary of the Interior

[FR Doc. 81-15869 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-C

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Alaska

Notice of Leasing Systems, Sale No. RS-1

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. RS-1, tracts will be offered under the following three bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 72 tracts, (2) bonus bidding with a sliding scale royalty on 29 tracts, and (3) bonus bidding with a fixed 16-2/3 percent royalty on 74 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980. OCS Sales A62, 55, and 62 included an offering of a total of 150 tracts under this system. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production, because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

Firms will be permitted to recover a factor of 1.50 over their actual allowable costs before any profit share payments are due. The profit share rate selected for this sale is 40 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with Sliding Scale Royalty. This system is authorized by Sec. (8)(a)(1)(c) of the OCS Lands Act, as amended. The use of the sliding scale royalty system was introduced in OCS Sale 43 (March 28, 1978) and used again in the last 12 OCS lease sales.

The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The sliding scale formula provided for Sale RS-1 is based on the current assumed range of costs and wellhead prices for this area.

The sliding scale used in Sales 43 and 45 was linear in form. Although this form is easy to describe it has three disadvantages which may affect the

socially optimal level of production. At certain levels of production, a linear schedule causes erratic fluctuations in the royalty charged on increments in output which may lead producers to make socially non-optimal production decisions in order to minimize these royalty impacts on net revenues. Marginal royalty rates also can reach very high levels even though the average rates are low. In addition, because production costs are non-linear it can be shown that the royalty rate schedule should conform more closely to the functional form of these costs in order to minimize production losses from non-development of otherwise profitable tracts.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $22.300636 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $22.300637 million, but less than or equal to $4793.351779 million, the royalty percent due on the unadjusted value is given by the formula

$$Rj = b(Ln\ (Vj/S))$$

Where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.5

When the adjusted quarterly value of production is equal to or greater than $4793.351780 million, a royalty of 65.00000 percent in amount or value of

production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be modified to account for the effects of inflation by dividing the actual value of production by an inflation correction factor. The inflation correction factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the "Survey of Current Business," by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold.

(3) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This relatively low royalty rate system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee, but may yield more rewards (i.e., lower contingency payments to the Government) if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide data to compare the performance of the alternative systems.

B. Designation of Tracts. The selection of tracts to be offered under the three systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with Sliding Scale Royalty—Tracts R-55-138, R-55-139, R-55-159, R-55-160, R-55-161, R-55-162, R-55-182, R-55-183, R-55-184, R-55-185, R-55-195, R-55-196, R-55-206, R-55-207, R-55-208, R-55-218, R-55-219, R-55-230, R-55-231, R-55-326, R-55-327, R-55-328, R-55-329, R-55-330, R-55-341, R-55-342, R-55-343, R-55-344, and R-55-345.

(b) Bonus Bidding with a Fixed Net Profit Share—Tracts R-55-78, R-55-79, R-55-80, R-55-106, R-55-131, R-55-132, R-55-152, R-55-163, R-55-164, R-55-186, R-55-187, R-55-188, R-55-211, R-55-212, R-55-220, R-55-221, R-55-234, R-55-235, R-55-251, R-55-252, R-55-253, R-55-267, R-55-268, R-55-269, R-55-283, R-55-284, R-55-285, R-55-288, R-55-289, R-55-290, R-55-291, R-55-292, R-55-293, R-55-294, R-55-295, R-55-296, R-55-297, R-55-298, R-55-299, R-55-300, R-55-301, R-55-304, R-55-305, R-55-306, R-55-307, R-55-308, R-55-309, R-55-310, R-55-311, R-55-312, R-55-313, R-55-314, R-55-315, R-55-316, R-55-317, R-55-320, R-55-321, R-55-322, R-55-323, R-55-324, R-55-325, R-55-331, R-55-332, R-55-333, R-55-335, R-55-336, R-55-337, R-55-338, R-55-339, R-55-340, R-55-346, and R-55-347.

(c) Bonus Bidding with 16-2/3 Percent Royalty—All remaining tracts.

Ed Hastey

Associate Director, Bureau of Land Management

Approved:

Donald Paul Hodel

Under Secretary of the Interior

MAY 22 1981

[FR Doc. 81-15868 Filed 5-27-81; 8:45 am]
BILLING CODE 4310-84-C

Reader Aids

Federal Register

Vol. 46, No. 102

Thursday, May 28, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Public Inspection Desk	633-6930
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5239

FEDERAL REGISTER PAGES AND DATES, MAY

24519-24926	1
24927-25076	4
25077-25288	5
25289-25420	6
25421-25594	7
25595-26036	8
26037-26274	11
26275-26470	12
26471-26604	13
26605-26758	14
26759-27088	15
27089-27322	18
27323-27468	19
27469-27622	20
27623-27898	21
27899-28144	22
28145-28394	26
28395-28610	27
28611-28832	28

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:

305 26487

3 CFR

Executive Orders:

March 4, 1896 (Revoked in part by PLO 5906) 28415
July 2, 1910 (Revoked in part by PLO 5885) 28416
July 10, 1910 (Revoked in part by PLO 5885) 28416
August 7, 1916 (Revoked in part by PLO 5921) 28411
September 7, 1917 (Revoked by PLO 5913) 28405
September 30, 1916 (Revoked by PLO 5921) 28411
February 25, 1919 (Revoked in part by PLO 5869) 28413
May 25, 1921 (Revoked in part by PLO 5870) 28164
June 14, 1921 (Revoked in part by PLO 5875) 28411
November 26, 1921 (Revoked in part by PLO 5881) 28167
November 27, 1922 (Revoked in part by PLO 5911) 28412
February 8, 1923 (Revoked in part by PLO 5888) 28655
November 9, 1923 (Revoked in part by PLO 5872) 28414
June 13, 1925 (Revoked in part by PLO 5873) 28165
September 25, 1925 (Revoked in part by PLO 5891) 28656
April 17, 1926 (Revoked in part by PLO 5925) 28655
February 23, 1928 (Revoked in part by PLO 5928) 28652
November 18, 1938 (Revoked in part by PLO 5896) 28403
1568 (Revoked in part by PLO 5902) 28417
3893 (*See EO* March 4, 1896)
4181 (Revoked in part by PLO 5894) 28416
4531 (Revoked in part by PLO 5901) 28409
4654 (Revoked by PLO 5907) 28418
5105 (Revoked by PLO 5866) 27652
5329 (Revoked in part by PLO 5917) 28406
5344 (Revoked in part by 5908) 28412
5478 (Revoked in part by 5910) 28412
6019 (Revoked in part by PLO 5892) 28413
6040 (Revoked by PLO 5871) 28413
7610 (Revoked by PLO 5887) 28414
11992 (Revoked by EO 12305) 25421
12059 (Revoked by EO 12305) 25421
12064 (Revoked by EO 12305) 25421
12084 (Revoked by EO 12305) 25421
12097 (Amended by EO 12305) 25421
12258 (Amended by EO 12305) 25421
12304 24521
12305 25421

Proclamations:

4843 24519
4844 25077
4845 27899

Administrative Orders:

Presidential Determinations:
No. 81-6 of May 13, 1981 27623

5 CFR

870 25595
890 25595

Proposed Rules:

2422 26488
2423 26488
2424 26488
2429 26488

7 CFR

28 24927
250 26759
273 27901
800 27070
802 28145
905 27323

907.....25423, 26605, 27625, 28611
910.....24523, 25596, 26759, 27902
915.....27469
918.....25423
944.....27469
982.....26037
985.....25424
1032.....24927
1040.....27903
1050.....24927
1068.....28145
1076.....27904
1098.....27089
1133.....27625
1135.....28611
1137.....27626
1701.....25079
1809.....28330
1865.....27908
1942.....24523, 27909
1945.....27908, 28330
1951.....27908, 28330

Proposed Rules:

Ch. VI.....28171
57.....28170
271.....27960
272.....27960
273.....27960
419.....24954
930.....26065
953.....25625
981.....27126
982.....25626
993.....26786
999.....25626
1040.....25626
1068.....27501
1701.....25096, 27344, 28170
1076.....26337
2851.....26787
2852.....25097

8 CFR

100.....25425
109.....25079
211.....25597
212.....24929, 25081
214.....25597, 28623
242.....25597
244.....25597
245.....25597
248.....25597
280.....28624
299.....28625
449.....28625

Proposed Rules:

235.....26653
251.....26653

9 CFR

73.....25425, 27627
82.....24524, 25599
92.....24930, 26040
303.....26760
331.....24524
381.....26760

Proposed Rules:

92.....26065
381.....26350

10 CFR

Ch. II.....27270
2.....28627
30.....26471, 27910
51.....28630
430.....27324
455.....27862
501.....26605
1530.....28395

Proposed Rules:

Ch. I.....24576, 28660
50.....26491
212.....25315
459.....25466
903.....25426

12 CFR

201.....27090
204.....27090
217.....27090
265.....28398
335.....25204
545.....24526, 24531
584.....24526
701.....26275
760.....26607

Proposed Rules:

Ch. III.....26654
210.....24576
226.....28560
329.....28660
545.....24579
563.....24579
571.....24579

13 CFR

111.....24931
120.....25083

Proposed Rules:

Ch. I.....24955

14 CFR

21.....27092
39.....24931-24936, 25427-25429, 26042, 26043, 26608, 27095-27098, 27628-27630, 28146-28149, 28632
71.....25430-25433, 26044, 26043, 27099-27101, 27630-27632, 28150, 28151
73.....26045, 27632
75.....27102, 27633
95.....25434, 26045
97.....24937, 26609, 27634
121.....28305
135.....28301, 28305
159.....28632
207.....25417, 28378
208.....25418, 28378
212.....25418, 28368
214.....28379
221.....25418
223.....25418
249.....25414
375.....25419
385.....28379
399.....28380
1206.....28399

Proposed Rules:

Ch. I.....25466, 27710
21.....27710, 27712, 27885
39.....26069, 26070, 27715, 27885
71.....24957-24961, 25467, 26071, 27126-27128, 27716-27720, 28171
73.....27128
75.....25468
91.....27885, 27889
159.....26358, 26656
121.....27893, 27897
135.....27897
207.....28383
208.....28383
212.....28383
218.....28383
221a.....25637
245.....28381
246.....28381
374.....25321

15 CFR

373.....26275
376.....24532, 28637
377.....24532, 28637
379.....26275
385.....26275
399.....26275, 27103

Proposed Rules:

930.....26658
1001.....27501

16 CFR

0.....26284, 27634
1.....26284, 27634
2.....26284, 27634
4.....26284, 26293, 27634
5.....26050, 26284, 27634
13.....24940, 25289, 26611, 27634
305.....25290
1145.....27910
1307.....27910
1500.....27910
1700.....26297, 27910

Proposed Rules:

Ch. I.....25468
Ch. II.....25478, 26262, 27721
13.....25102, 25103, 25476, 28444, 28661
450.....24584
1301.....25638
1145.....27963
1307.....27963
1500.....27963
1610.....28665
1611.....28665
1700.....27963

17 CFR

1.....24940, 26000, 26299, 27473
3.....24940, 26299
4.....26004, 26761
15.....26472
16.....26472
17.....26472
18.....26472
21.....26472
140.....26004, 26761
145.....24940, 26299
147.....24940, 26299

Proposed Rules:

1.....25106
3.....25106
32.....25106, 25107
210.....27344
229.....25638, 26789
240.....26789

18 CFR

2.....26613
46.....25084
131.....25084
270.....24537
271.....24548-24549, 27635
281.....27911
282.....24549, 25599
294.....24550
401.....25439, 26638

Proposed Rules:

157.....24585
271.....25643, 25644, 27963-27966
282.....26352, 28672
284.....24585, 27355
292.....26352

19 CFR

159.....24944
355.....26472-26475

Proposed Rules:

Ch. I.....28172
201.....28673
207.....28673

20 CFR

401.....24551
404.....25601

Proposed Rules:

Ch. I.....26790
656.....26789
676.....25084, 25645, 27462
679.....25645, 27462

21 CFR

5.....26052, 26299
109.....24551
146.....26300
193.....24945, 26762
430.....25602, 25605
436.....25602, 25605, 25607
440.....25602
442.....25605, 25607
444.....25607
455.....25607
520.....25084, 25085, 25608, 26300
522.....24553, 25085, 26762, 26763, 27913
524.....27914
529.....27914
546.....25086
558.....24553, 26763
561.....24945, 26764

Proposed Rules:

1.....26790
166.....26790
180.....24593
182.....24593
351.....25107
430.....25651
436.....25651
440.....25651
444.....25651
448.....25651
452.....25651
540.....25107
1308.....24593

22 CFR

41.....28637
201.....27104

23 CFR

Proposed Rules:

625.....27722

24 CFR

201 ... 25609
203 ... 25087, 27105
205 ... 27105
207 ... 27105
213 ... 27105
220 ... 27105
221 ... 27105
232 ... 27105
234 ... 25087, 27105
235 ... 27105, 28401
236 ... 27105
241 ... 27105
242 ... 27105
244 ... 27105
888 ... 28638

Proposed Rules:

235 ... 24594
885 ... 25107

25 CFR

5 ... 26765
105 ... 26475
173 ... 26476
242 ... 26476
700 ... 27915-27919

Proposed Rules:

700 ... 27967

26 CFR

1 ... 24945, 27635
7a ... 25291
16A ... 27636
25 ... 27642
35 ... 24553
601 ... 26053

Proposed Rules:

1 ... 24594, 27723, 27968, 28677
7 ... 28677
31 ... 24595, 27357
32 ... 27357
51 ... 24595, 26660

27 CFR

240 ... 25610

Proposed Rules:

4 ... 24962
5 ... 24962
7 ... 24962

28 CFR

2 ... 28648
503 ... 24896
524 ... 24896
543 ... 24896
545 ... 24896
547 ... 24896

Proposed Rules:

527 ... 24902
545 ... 24902

29 CFR

1910 ... 24556, 24558
2530 ... 28151
2602 ... 27328
2610 ... 26765
2670 ... 27330
2671 ... 27330

Proposed Rules:

Ch. XII ... 25109
530 ... 25108
1910 ... 25653, 27358

30 CFR

Proposed Rules:

221 ... 27968
226 ... 26661
601 ... 25653
840 ... 24963
841 ... 24963
842 ... 24963
843 ... 24963
844 ... 24963
845 ... 24963

31 CFR

202 ... 28152
203 ... 28152
535 ... 26476, 26478

Proposed Rules:

209 ... 27969

32 CFR

57 ... 25440
299 ... 26481

Proposed Rules:

Ch. I ... 24596
Ch. V ... 24596
Ch. VI ... 24596
Ch. VII ... 24596
Ch. XVI ... 26498
199 ... 24964
505 ... 28446

33 CFR

Ch. I ... 28153
25 ... 27107
66 ... 27642
80 ... 28153
82 ... 27643
84 ... 28153
85 ... 28153
86 ... 28153
87 ... 28153
88 ... 28153
90 ... 28153
91 ... 28153
94 ... 28153
97 ... 28153
98 ... 28153
100 ... 26638
110 ... 28154
162 ... 27644
163 ... 28153
165 ... 26055
183 ... 27644
252 ... 28649
264 ... 28649
275 ... 28649
278 ... 28649
341 ... 28649

Proposed Rules:

Ch. II ... 24596
89 ... 26661
95 ... 27128
165 ... 26072
320 ... 26792
321 ... 26792
322 ... 26792
323 ... 26792
324 ... 26792
325 ... 26792
326 ... 26792
327 ... 26792
328 ... 26792
329 ... 26792
330 ... 26792

34 CFR

78 ... 27304
104 ... 25614
300 ... 25614
735 ... 26056
776 ... 26056
778 ... 26057
797 ... 26057

36 CFR

Proposed Rules:

Ch. I ... 27723
Ch. III ... 24596
7 ... 27969, 27970

37 CFR

201 ... 25442

38 CFR

3 ... 27074
36 ... 25443, 25444, 26482

Proposed Rules:

6 ... 27361
8 ... 27361
21 ... 26499, 28679

39 CFR

111 ... 25090, 25446
601 ... 26639

Proposed Rules:

111 ... 25109, 26792, 27970

40 CFR

Ch. I ... 27333
35 ... 26301
52 ... 24560, 24562, 24946, 25090, 25092, 25294, 25446, 26301-26304, 26484, 26640, 26641, 26767-26769, 27119, 27339, 27923-27932, 28155-28159, 28650
60 ... 27341, 28402
61 ... 27341
62 ... 27342
66 ... 27119
81 ... 25294, 25301, 25446, 26305, 27933
86 ... 24948, 28160
122 ... 27473
123 ... 28161
162 ... 26305, 27936
173 ... 26058
180 ... 24950, 25615, 26770, 26771, 27480, 27936-27939, 28403
260 ... 27473
261 ... 27473
264 ... 27119, 27473
265 ... 27119, 27473
761 ... 27614, 27615
762 ... 27120
1501 ... 25461
1502 ... 25461
1508 ... 25461

Proposed Rules:

Ch. I ... 24965, 28680
35 ... 27314
50 ... 25655
51 ... 24596
52 ... 24597-24602, 24966, 24967, 25110, 25322, 25323, 25481, 25483, 25485, 25659, 26074, 26353, 26499, 26793, 27129, 27501-27504, 27972, 28179
60 ... 26501, 28180
61 ... 25113
62 ... 26504
65 ... 26075
81 ... 24604, 25324, 25325, 26355, 26504, 26506, 27131
86 ... 26076, 26796
123 ... 24968, 26796, 27132
180 ... 24605, 25486, 25659, 26663, 26796, 27133, 27973-27975
192 ... 26356
261 ... 27363
264 ... 28680
265 ... 28680
267 ... 28680
420 ... 24606
466 ... 25114
761 ... 25411, 25660, 27617-27619, 28446

41 CFR

Ch. I ... 26061, 26484, 27645
Ch. 101 ... 27940
5-5 ... 25615
5A-1 ... 27122
5A-3 ... 27122
5A-5 ... 25615
5A-16 ... 27122
8-1 ... 28163
8-1.4 ... 26643
8-8.2 ... 26643
8-95 ... 26644
9-1 ... 25302
9-2 ... 25303
9-3 ... 25303
9-4 ... 25303
9-5 ... 25303
9-7 ... 25303
9-9 ... 25303
9-10 ... 25304
9-15 ... 25304
9-18 ... 25304
9-23 ... 25304
9-50 ... 25304
14-3 ... 25617
101-37 ... 25618
105-735 ... 25305

42 CFR

32 ... 25622
401 ... 24551
405 ... 24564, 25093

43 CFR

Public Land Orders:

49 (Revoked by PLO 5920) ... 28410
554 (Revoked by PLO 5914) ... 28405
739 (Revoked by PLO 5879) ... 28166
848 (Revoked in part by PLO 5868) ... 28164
1095 (Revoked in part by PLO 5919) ... 28410
1163 (Revoked by P.L.O. 5864) ... 27653
1261 (Revoked by PLO 5897) ... 28416
1555 (Revoked by PLO 5909) ... 28415
1718 (Revoked in part by PLO 5898) ... 28407

2225 (Revoked in part by PLO 5932)..... 28652
2693 (*See* PLO 5896)..... 28403
2920 (Revoked in part by PLO 5912)..... 28415
3061 (Revoked in part by PLO 5876)..... 28418
3292 (Revoked in part by PLO 5876)..... 28418
3966 (Revoked in part by PLO 5877)..... 28165
4289 (Revoked in part by PLO 5886)..... 28411
4790 (Revoked in part by PLO 5918)..... 28410
5011 (Revoked by PLO 5905)..... 28417
5073 (Revoked in part by PLO 5900)..... 28409
5860..... 25619
5861..... 26061
5862..... 27653
5863..... 27651
5864..... 27653
5865..... 27651
5866..... 27652
5867..... 28163
5868..... 28164
5869..... 28413
5870..... 28164
5871..... 28413
5872..... 28414
5873..... 28165
5874..... 28414
5875..... 28411
5876..... 28418
5877..... 28165
5878..... 28165
5879..... 28166
5880..... 28166
5881..... 28167
5884..... 28415
5885..... 28416
5886..... 28411
5887..... 28414
5888..... 28655
5891..... 28656
5892..... 28413
5893..... 28167
5894..... 28416
5895..... 28404
5896..... 28403
5897..... 28416
5898..... 28407
5899..... 28408
5900..... 28409
5901..... 28409
5902..... 28417
5903..... 28404
5904..... 28404
5905..... 28417
5906..... 28417
5907..... 28418
5908..... 28412
5909..... 28415
5910..... 28412
5911..... 28412
5912..... 28415
5913..... 28405
5914..... 28405
5915..... 28406
5916..... 28406
5917..... 28406
5918..... 28410
5919..... 28410
5920..... 28410
5921..... 28411
5922..... 28406
5923..... 28652
5925..... 28655
5928..... 28652
5929..... 28651
5932..... 28652
5935..... 28654
5936..... 28655

44 CFR

9..... 24951
64..... 26305, 26772, 26774, 27123, 28443
65..... 26061, 26775–26777, 27941
67..... 26308–26355, 27942, 27943, 28418, 28656
70..... 26644–26648, 28431–28442

Proposed Rules:

67..... 26077, 26085, 26797, 26798, 27133, 27139, 27976, 28446–28456

45 CFR

500..... 26062
531..... 26062

Proposed Rules:

Ch. XI..... 24969
302..... 25660

46 CFR

33..... 28167
94..... 28167
157..... 27654
192..... 28167
502..... 24565
510..... 24565
525..... 24575

Proposed Rules:

Ch. I..... 26086
Ch. IV..... 25326
148..... 27724

47 CFR

0..... 27654
2..... 26485, 26649
22..... 27655
31..... 28656
73..... 25461, 25462, 25620, 26062, 26223, 26485, 26486, 26649, 27706, 27944
74..... 27481
81..... 26485
83..... 25463, 26485
90..... 27481, 27707
94..... 27953
95..... 26778

Proposed Rules:

Ch. I..... 24969, 25661, 27506, 28183, 28456, 28457
2..... 26507
21..... 26507
25..... 26798
31..... 26356
33..... 26356
34..... 26356
35..... 26356
73..... 25487–25489, 25662, 26509–26515, 26663, 26798, 27725–27728, 28681, 28684
74..... 26507
76..... 25490
90..... 27729

48 CFR

Proposed Rules:

15..... 26664
47..... 26664

49 CFR

1..... 26651
171..... 28657
531..... 24952
571..... 25463
577..... 28657
639..... 26651
640..... 26651
1033..... 25094, 25310–25312
1034..... 26064, 27709
1039..... 27342
1048..... 25314, 28658
1056..... 25621
1064..... 27343
1109..... 28658
1244..... 26781

Proposed Rules:

Ch. I..... 25491
Ch. X..... 26336, 28192
171..... 27146
173..... 25492, 27146
1002..... 25326
1102..... 26087, 28457
1132..... 26799, 26801
1134..... 26799, 26801
1201..... 25114, 26515, 28458
1241..... 25114, 26515, 28458
1248..... 25114
1300..... 28457
1307..... 27732

50 CFR

216..... 27056
285..... 27482
611..... 27483, 27489
658..... 27483, 27959

Proposed Rules:

Ch. I..... 28171
17..... 24607, 26464
23..... 28192
651..... 27147
653..... 25327

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: June 12, 1981, at 9 a.m.

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.



Just Released

Code of Federal Regulations

Revised as of January 1, 1981

Quantity	Volume	Price	Amount
_____	Title 1-General Provisions	$4.50	$ _____
_____	Title 6-Economic Stabilization	3.50	_____
		Total Order	$ _____

A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

Please do not detach

Order Form

Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $_____. Make check or money order payable to Superintendent of Documents. (Please do not send cash or stamps). Include an additional 25% for foreign mailing.

Charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		