

Federal Register

Monday
June 8, 1981

Highlights

- 30340 Iranian Assets Control** Treasury/FACO provides for the transfer of financial assets to the Federal Reserve Bank of New York.
- 30336 Foreign Investments in U.S.** Commerce/BEA provides for benchmark survey of direct investment for 1980.
- 30468 Education Loans—Veterans** VA solicits comments on loan procedures for flight training.
- 30392 Government Contracts—Computers** GSA suggests contracting practices for software development.
- 30328, 30349 Nuclear Power Plants** NRC expedites hearing process for construction and operation applications. The Commission also proposes hearing modifications for domestic licensing. (2 documents)
- 30476 Grant Programs—Water Pollution Control** EPA publishes 1980 subject index list of regional administrator protest determinations. (Part II of this issue)
- 30369 Telecommunications** GSA distributes proposed regulation on procuring and contracting for commercial telecommunications services.

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

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- 30338 Imported Anchors** Treasury/Customs specifies, with certain exceptions, that anchors shall be permanently and legibly marked with the country of origin.
- 30473 Sunshine Act Meetings**
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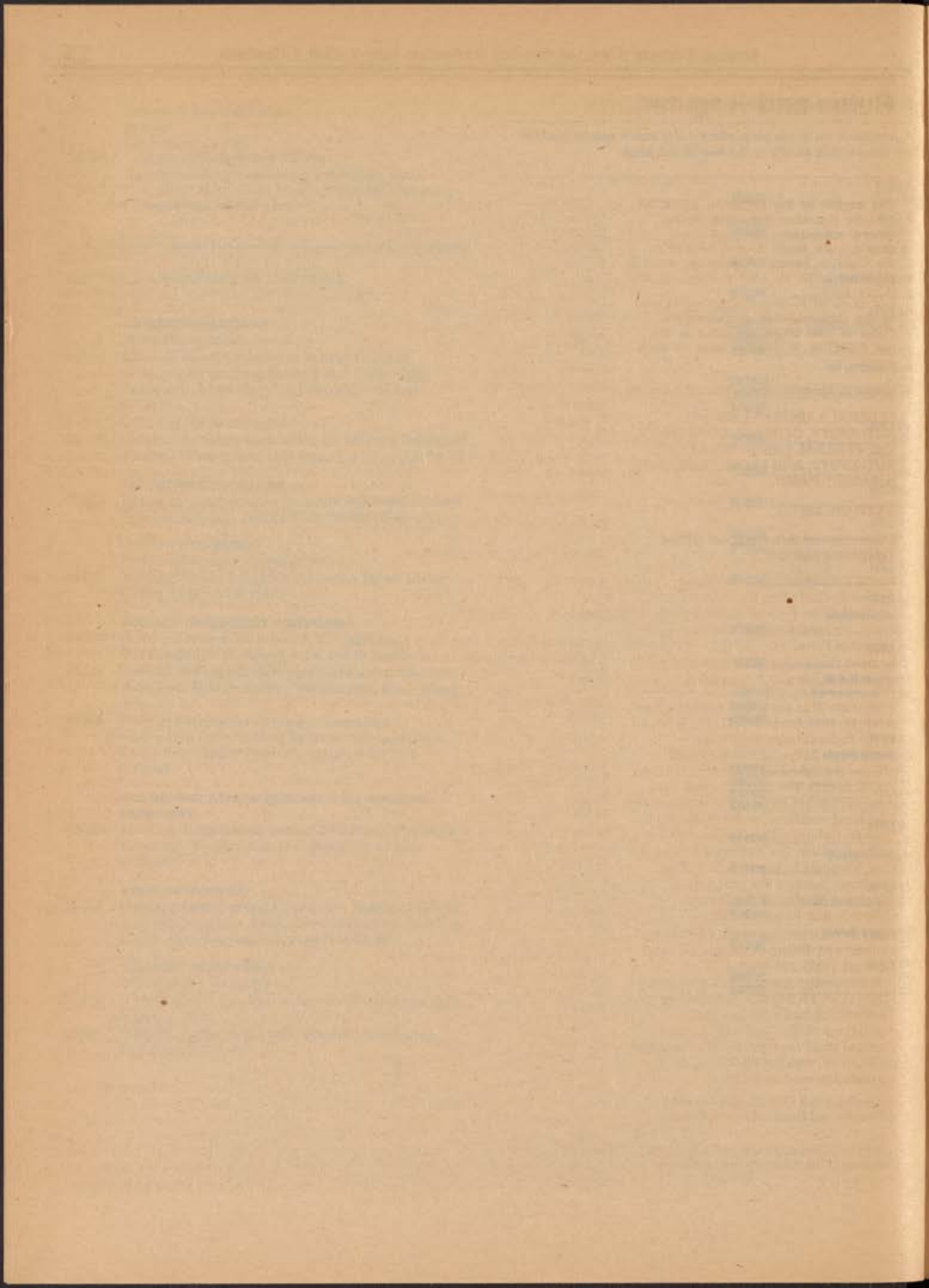
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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

5 CFR Ch. XIV

Correction of Sub-Regional Office Telephone Number

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

ACTION: Correction of an Amendment to the Final Rules and Regulations.

SUMMARY: This document corrects the April 23, 1981 Amendment (46 FR 23043) to the Federal Labor Relations Authority's listing of Sub-Regional Offices published on December 5, 1980 (45 FR 80467). The April 23, 1981 Amendment set forth a new address and telephone numbers for the Authority's Denver, Colorado Sub-Regional Office which is within the Authority's Kansas City, Missouri Regional Office. This document corrects the commercial telephone number of the Denver, Colorado Sub-Regional Office.

FOR FURTHER INFORMATION CONTACT: Laurence M. Evans, Assistant General Counsel, (202)-254-9561.

Accordingly, Appendix A, paragraph (d)(7)(a) (45 FR 3482 as amended by 45 FR 80467) of the final rules and regulations of the Authority, General Counsel and Panel, previously amended on April 23, 1981 (46 FR 23043), is corrected to read as follows:

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

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

(7)(a) *Denver, Colorado Sub-Regional Office*—1531 Stout Street, Suite 301, Denver, Colorado 80202, Telephone: FTS-327-5224, Commercial: (303) 837-5224.

(5 U.S.C. 7134)

Dated: June 3, 1981.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhite,
Member.

H. Stephan Gordon,
General Counsel.

[FR Doc. 81-16946 Filed 6-5-81; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1425

[Amdt. 7]

Cooperative Marketing Associations: Eligibility Requirements for Price Support

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Commodity Credit Corporation (CCC) is amending the Regulations Governing Cooperative Marketing Associations Eligibility Requirements for Price Support in which an approved cooperative may request the Executive Vice President, CCC, or an authorized designee, for authorization to carry forward losses incurred on an eligible pool of a crop of a commodity. An authorization to carry forward losses may be granted when CCC determines that such action will result in the equitable treatment of all members participating in comparable eligible pools in the period needed to offset losses and is not contrary to the purposes of the price support program. The authorization is primarily based on a plan developed by the cooperative. This amendment will eliminate the requirement that the cooperative obtain prior approval of such plan by its membership. Instead, the amendment requires that the plan contain provisions for notifying present members and applicants for membership of the plan to

deduct eligible pool losses from subsequent pool gains.

DATES: Interim rule effective June 8, 1981, comments must be received on or before August 7, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Richard M. Ackley, Cooperative Section, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-9221. A final Regulatory Impact Analysis is being prepared and will be available from Richard M. Ackley.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with the provisions of Executive Order 12291 and has been classified "not major." It has been determined that it is not practical and contrary to the public interest for CCC to follow the procedures of Executive Order 12291 with respect to this rule and that this interim rule warrants publication without prior opportunity for public comment.

A notice of proposed rulemaking was published on December 24, 1980, 43 FR 50988, requesting comments with respect to a number of proposals involving the eligibility of cooperative marketing associations to obtain price support under various programs of the CCC. One such proposal included the carrying forward of losses by a cooperative marketing association from an eligible pool of a commodity against subsequent eligible pools of a commodity on which price support is obtained. The proposed rule stated that CCC would permit a cooperative marketing association to carry forward such losses only if a detailed plan for the carrying forward of the losses was approved by CCC. The proposed rule also set forth the factors which were to be considered in developing the plan as well as certain provisions which were to be included in the plan.

Under the final rule as adopted on April 3, 1981 (46 FR 20149), the regulations contained an additional requirement not mentioned in the notice of proposed rulemaking. This provision stated that the cooperative marketing associations were required to obtain

prior approval of the plan by the membership of the association. Subsequent to the adoption of this provision, it has come to our attention that this requirement may cause undue hardship and financial burden on the cooperatives since in many instances the membership of the cooperatives has already met to conduct the business of the cooperative. It has been further pointed out that in most cases the articles of incorporation and bylaws of a cooperative authorize the board of directors to conduct the day-to-day operations of the association. This authority includes, generally, the authority to approve such items of business as the carrying forward of losses.

As explained in the preambles to the proposed rule and the final rule, it was the overall objective of the amendment to permit cooperatives more flexibility in carrying out their operations. The changes made by this interim rule will further that objective by permitting cooperatives participating in price support programs to approve the carrying forward of losses in accordance with procedure established in their articles of incorporation and bylaws. In most cases, this action requires only the approval of the board of directors of the cooperative rather than the membership as a whole.

Due to the nature and purpose of the changes made by this interim rule, it has been determined that this interim rule should be made effective without prior opportunity for public comment. About 300 cooperatives are qualified to participate in this program. The cooperatives have a wide variety of fiscal years, many of which have recently ended or are about to end in the near future. As a practical matter, many of these cooperatives would be unable to avail themselves of the benefits of the loss carry-forward provision due to the membership approval requirement. At the same time, practical considerations and regulatory requirements (e.g., internal revenue service rules on earnings distribution) would preclude these cooperatives from postponing decisions on carrying forward losses while the Department implemented normal rulemaking procedures.

Comments on this interim rule are requested. All comments must be received no later than August 7, 1981, in order to be assured of consideration. After review of the relevant comments, a final rule will be published in the *Federal Register*.

Interim Rule

Accordingly, 7 CFR Part 1425 is amended as follows:

1. The authority citation for Part 1425 is as follows:

AUTHORITY: Secs. 4 and 5, Pub. L. 80-806, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 103, 105A, 107A, 201, 301, 401, Pub. L. 81-439, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444(f), 1444c, 1445b, 1446, 1447, 1421)

2. 7 CFR 1425.13(f)(2) is revised to read as follows:

* * * * *

(f) *Losses.* * * * * *

(2) The Executive Vice President, CCC, or an authorized designee, may authorize an approved cooperative to carry forward losses incurred on an eligible pool of a crop of a commodity when CCC determines that such action will result in the equitable treatment of all members participating in comparable eligible pools in the period needed to offset losses and is not contrary to the purposes of the price support program. This authorization will be approved on the basis of a plan for the carrying forward of losses as submitted to CCC by an approved cooperative. The authorization will be continued on the condition that the approved cooperative remains in substantial compliance with the plan, as reflected in periodic progress reports. Any losses incurred subsequent to those contained in the approved plan may only be carried forward against subsequent eligible pools in accordance with a revised plan which has been approved by the Executive Vice President, CCC, under the criteria specified in this subparagraph. Factors which must be considered in such a plan include, but are not limited to, the following: (i) The stability of membership and participation between affected pools; (ii) the financial condition of the cooperative; and (iii) whether the loss can reasonably be expected to be amortized and recovered from future earnings over the proposed time period. The plan must also include the following: (i) A provision for notifying existing and new members of the cooperative of the plan to deduct eligible pool losses from subsequent eligible pool gains; and (ii) a procedure for maintaining necessary data and records needed to generate periodic progress reports as directed by the Executive Vice President, CCC.

Signed at Washington, D.C., on June 2, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-10860 Filed 6-5-81; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice for Domestic Licensing Proceedings; Expediting the NRC Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission has adopted several amendments to its Rules of Practice to facilitate expedited conduct of its adjudicatory proceedings on applications to construct or operate nuclear power plants. These amendments authorize the licensing boards to make oral rulings on written motions during the course of a prehearing conference or a hearing, preclude parties from filing responses to objections to a prehearing order unless the licensing board so directs, revise the schedule for filing proposed findings of fact and conclusions of law, and permit summary disposition motions to be filed at any time during the course of the proceeding.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Esq., Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202-634-1465).

SUPPLEMENTAL INFORMATION: On March 17, 1981 the Commission published in the *Federal Register* (46 FR 17216) a Notice of Proposed Rulemaking soliciting public comments on six proposed changes to the Commission's Rules of Practice, 10 CFR Part 2. The principal purpose of the proposed amendments was to shorten the hearing process on applications to construct or operate a nuclear power plant, without reducing the overall quality or fairness of NRC adjudicatory proceedings. In response the Commission received more than 600 comments. The comments are set forth and analyzed in SECY 81-252, a publicly available memorandum from the Commission's General Counsel to the Commission and, therefore, only a brief summary of the more significant comments is contained in this Notice.

The Commission also sought comment on a proposed model hearing schedule which would serve as a guideline for NRC's administrative judges. The Commission is still deliberating on the proposed schedule and, therefore, a model schedule is not set forth in this notice.

1. Eliminate Discovery Against the NRC Staff

Currently, parties to NRC licensing proceedings may engage in formal discovery against the NRC staff. The Commission sought comment on a proposed rule which would eliminate formal discovery against the staff. Most of the commenters opposed the proposal, arguing that their participation in a proceeding would be severely impeded if they could not obtain relevant information from the NRC staff through formal discovery prior to the commencement of the hearing or that elimination of discovery against the staff might lengthen the licensing process. A majority of the Commission does not support the proposed rule and it has not been adopted. However, the Commission has under consideration a different proposal which would limit the number of interrogatories that a party may file against another party in an NRC adjudicatory proceeding. Public comment would be sought in a future rulemaking proceeding on any such proposal.

2. Permit the Licensing Boards to Rule Orally on Written Motions

Under 10 CFR 2.730(e), licensing boards are required to issue written orders on those motions submitted to them in writing. The Commission sought comment on a proposed rule which would permit the boards, where appropriate, to issue oral rulings addressing such motions during the course of a prehearing conference or hearing.

Many of the nuclear industry commenters supported the proposed rule change noting that it could expedite the hearing process by enhancing the ability of the licensing boards to rule promptly on motions pertaining to procedural matters. Several emphasized, however, that if oral rulings are permitted, a board must take care to fully spell out its reasoning.

Intervenors, on the other hand, opposed the rule change because of a concern that they would not promptly learn of oral rulings. Intervenors frequently limit their attendance at the hearings to the days when their contentions are being litigated, and do not have the resources to purchase transcripts. Intervenors asserted that without prompt notification they could miss filing deadlines imposed by the boards in oral rulings and the period for seeking reconsideration of a board's ruling could expire before they learned of the ruling.

After evaluating these comments, the Commission has adopted a rule which

amends 10 CFR 2.730(e) to permit the boards to make oral rulings on written motions, but will require the board to ensure that the parties are promptly notified of the ruling. This will permit oral rulings where this could expedite the proceedings, or is otherwise appropriate, without prejudicing any party. Several mechanisms are available to notify absent parties of the ruling. The Board may notify the party by phone; it may direct one of the parties present to contact the absent party; or it may serve the transcript pages containing the order on all parties. The Commission encourages the boards at a minimum to serve the transcript pages. When the boards rule orally they are also directed to take special care to fully set forth the reasoning behind the decision.

3. Prohibit Motions to Reconsider Prehearing Orders

Under 10 CFR 2.751(d) and 2.752(c) parties other than the NRC staff may file, within five days after service of a board prehearing order, an objection to the order. Such an objection constitutes, in effect, a motion requesting the board to reconsider its ruling. The NRC staff has ten days after service of the order to request reconsideration. The Commission sought comment on a proposed rule which would preclude parties from filing requests for reconsideration of prehearing orders.

Virtually all commenters opposed the proposed rule change arguing that mistakes which could significantly affect the proceeding might be prevented if motions for reconsideration are not permitted. Moreover many commenters argued that the proposed rule would not result in significant time savings because such motions which are without merit can be promptly answered and denied, and the proceeding may continue while the motions for reconsideration are pending. It was further argued that it is unclear how the proposed change would save time, particularly in comparison with the time which would be required should the licensing board be reversed for an error which a party wished to but could not bring to the board's attention.

The Commission agrees with the commenters and therefore has not adopted the proposed rule. However, the Commission has adopted other changes to its regulations pertaining to objections to or motions for reconsideration of prehearing orders. The Commission has observed that objections to or motions for reconsideration are not frequently granted. The Commission therefore is amending its regulations to take away the right of a party to file an answer to

an objection or motion for reconsideration. Responses will only be permitted, if the licensing board so directs. This means that motions which on their face have little merit will be summarily dismissed by the board. Parties will be asked to respond only to those motions that a board believes may have some merit.

In addition, although the Commission's present rules do not so dictate, it is possible under the present practice for an objection or motion for reconsideration to have the effect of staying the effectiveness of the board's order until the board rules on the matter. The Commission has adopted an amendment to its regulations which provides that filing of an objection to or a motion for reconsideration does not stay the effectiveness of the prehearing order, unless the board for good cause shown determines that the decision should be stayed pending board action. Thus parties are to proceed with prehearing matters on admitted contentions, even though objections to or motions for reconsideration of the ruling admitting the contentions are pending before the board. This approach would be consistent with existing regulations pertaining to petitions for reconsideration of final board decisions, 10 CFR 2.771(c).

4. Permit Licensing Board Chairman to Rule on Prehearing Matters Without Consulting Other Board Members

Under 10 CFR 2.721(d) and 2.718, when a licensing board is not in session, the chairman of the board (who is always qualified in the conduct of administrative proceedings) is vested with the power to rule on procedural requests. This includes ruling on intervention petitions, contentions, motions for summary disposition requests to compel a party to respond to interrogatories, and requests for extension of time. However, in practice the board chairman does not rule alone on petitions for leave to intervene, contentions, or motions for summary disposition because the technical expertise of the administrative judges serving on the board who have scientific backgrounds is frequently essential in ruling on such motions. The Commission sought comment on a proposed rule which would permit the licensing board chairman to act alone on all prehearing matters. It would be within the discretion of the chairman to consult with the other administrative judges before taking action.

Few commenters supported this proposal. The commenters argued that it would be a serious error to allow the

chairman to act alone in issuing substantive orders on prehearing matters, such as ruling on contentions and motions for summary disposition. On this point the commenters emphasized that prehearing orders set the framework for the hearing and therefore the technical administrative judges should contribute to the decision. Others commented that centralized decisionmaking may be appropriate in times of crisis, but is not necessary in licensing proceedings. Others argue that the proposal was inconsistent with Congress' intent in establishing three member panels to preside over NRC hearings.

Based upon the review of these comments, the Commission has decided not to amend 10 CFR 2.721 as proposed. The Commission believes that the present practice whereby all three board members participate in acting upon substantive prehearing orders should continue.

5. Eliminate the Right of the Applicant to File a Reply to Other Parties' Proposed Findings of Fact and Conclusions of Law

Under 10 CFR 2.754(c) unless otherwise directed by the board, the applicant must file its proposed findings of fact and conclusions of law within 20 days after the record is closed. The filings from the other parties, except for the NRC staff are due 30 days after the close of the record. Staff's filing must be filed by day forty. The applicant must file its reply to the other parties' submissions within ten days after service of the other parties' filings. The Commission sought comment on a proposed rule which would eliminate the right of the applicant to file a reply submittal.

A few commenters supported the proposed rule change arguing that the applicant should be given only one opportunity to set forth its views and that the licensing board is capable of making its findings without having a reply finding from the applicant. However, most commenters opposed the rule change. Because the applicant has the burden of proof in NRC initial licensing proceedings, many argued that fairness dictates that it should have the last word. It was also argued that the applicant's reply filing served a useful function because it focused on the disputes between the parties and permitted prompt resolution of issues by the board. Finally, many commenters noted that if the applicant wished to expedite the proceeding, it could waive the opportunity to file a reply pleading.

After reviewing these comments, the Commission has decided not to eliminate the right of the applicant to

file a reply pleading. However, it has adopted amendments to 10 CFR 2.754 which alter the time limits for filing proposed findings of fact. Experience indicates that because of the complexity of NRC proceedings the applicant frequently is unable to file its proposed findings within the prescribed 20-day period and the Board must establish another filing schedule. The Commission therefore is modifying the schedule to make it more realistic. Under the new regulations the applicant's submission will be due thirty days after the record closes, the filing of other parties (except for the NRC staff) will be due 40 days after the record closes. The staff's pleading will be due 50 days after the record closes. The applicant's response will be due 5 days after the staff files its proposed findings, five days earlier than the ten days allowed under prior regulations. The Commission contemplates that staff would hand-deliver or air express its filing to the applicant to provide applicant a reasonable time to respond. Although boards are authorized to deviate from this suggested schedule, it is expected that absent special circumstances, including considerations of fairness, the board will not authorize use of a more extended filing schedule. In cases with few parties, and few contentions, the boards are encouraged to order use of a more compressed filing schedule.

6. Eliminate Requirement That Motions for Summary Disposition be Submitted no Later Than 45 Days Before the Commencement of the Hearing

Under 10 CFR 2.749(a) parties to proceedings must file any motions requesting summary disposition at least 45 days prior to the start of the hearing. The Commission sought comment on a proposed rule which would permit motions for summary disposition to be filed at any time. However, the board would be authorized to set appropriate time limits for the filing of such motions which would be tailored to fit the circumstances.

Although a few commenters favored the proposed change because it would provide greater flexibility in the use of these motions, most commenters opposed the proposed change. The major arguments advanced against the proposal are that if there is no genuine factual dispute which exists on a particular issue, a competent attorney should recognize that well before the hearing, and that late filed motions actually disrupt and delay the hearing. Commenters frequently noted that most motions for summary disposition are filed against intervenors, who generally have limited resources. Because

responding to summary disposition motions requires a substantial effort, if motions are filed just before the hearing or during the hearing itself, intervenors will be required to divert resources from ongoing efforts to prepare testimony or to prepare for cross-examination. Late filed motions similarly distract the other parties to the proceeding as well as the board which must rule on the motion. Several commenters suggested that if the boards are given the discretion to permit motions for summary disposition to be filed less than 45 days prior to the commencement of the hearing, they should be directed to reject summarily motions which would unduly divert parties' resources away from the hearing.

After evaluating these comments, the Commission has adopted a rule which provides that motions for summary disposition may be filed at any time, but that the boards are to reject motions filed right before the hearing or during the hearing itself where response to such motions would require the other parties or the board to divert substantial resources from the hearing. Boards are directed in each case at an early date to set forth an appropriate schedule for filing motions for summary disposition. This approach should provide the board maximum flexibility in setting a schedule for the filing of such motions, but will discourage filing of motions right before the hearing or during the hearing itself.

The Commission has also adopted one other minor amendment to the regulations. In 1980 the Commission adopted an amendment to 10 CFR 2.749(a) which provides that a party may file an answer in support of a motion for summary disposition, as well as in opposition to such a motion. The Commission also revised the regulations to permit the party opposing the motion for summary disposition to file a supplemental response which addresses any new matters raised in answers supporting the motion. The Commission directed its boards to establish expeditious time limits on a case-by-case basis for the filing of any response to supporting statements consistent with the requirements of fairness.

The Commission has amended the regulations to provide for a ten-day response period rather than having the boards establish the time for response on a case-by-case basis. Unlike the other amendments addressed in this Notice, the Commission did not seek public comment on this minor change. The Commission has determined that public comment is not required because the amendment is procedural in nature.

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 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.

Because the amendments are related only to matters of procedure, the Commission is making the amendments effective upon publication in the *Federal Register*. Accordingly, 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 1, Code of Federal Regulations, Part 2, are published as a document subject to codification to be effective upon publication in the *Federal Register*:

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. In § 2.730, paragraph (e) is revised to read:

§ 2.730 Motions.

(e) The Board may dispose of written motions either by written order or by ruling orally during the course of a prehearing conference or hearing. The Board should ensure that parties not present for the oral ruling are notified promptly of the order.

2. In § 2.749, paragraph (a) is revised to read as follows:

§ 2.749 Authority of presiding officer to dispose of certain issues on the pleadings.

(a) Any party to a proceeding may move, with or without supporting affidavits, for a decision by the presiding officer in that party's favor as to all or any part of the matters involved in the proceeding. There shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard. Motions shall be filed within such time as may be fixed by the presiding officer. Any other party may serve an answer supporting or opposing the motion, with or without affidavits, within twenty (20) days after service of the motion. There shall be annexed to any answer opposing the motion a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine

issue to be heard. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by the statement required to be served by the opposing party. The opposing party may within ten days after service respond in writing to new facts and arguments presented in any statement filed in support of the motion. No further supporting statements or responses thereto shall be entertained. The board may dismiss summarily motions filed shortly before the hearing commences or during the hearing if the other parties or the board would be required to divert substantial resources from the hearing in order to respond adequately to the motion.

3. In § 2.751a, paragraph (d) is revised to read as follows:

§ 2.751a Special prehearing conference in construction permit and operating license proceedings.

(d) The presiding officer shall enter an order which recites the action taken at the conference, the schedule for further actions in the proceeding, any agreements by the parties, and which identifies the key issues in the proceeding, makes a preliminary or final determination as to the parties in the proceeding, and provides for the submission of status reports on discovery. The order shall be served upon all parties to the proceeding. Objections to the order may be filed by a party within five (5) days after service of the order, except that the staff may file objections to such order within ten (10) days after service. Parties may not file replies to the objections unless the Board so directs. The filing of objections shall not stay the decision unless the presiding officer so orders. The board may revise the order in consideration of the objections presented and, as permitted by § 2.718(j), may certify for determination to the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, such matters raised in the objections as it deems appropriate. The order shall control the subsequent course of the proceeding unless modified for good cause.

4. In § 2.752, paragraph (c) is revised to read as follows:

§ 2.752 Prehearing conference.

(c) The presiding officer shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and agreements by the parties, and which limits the issues or defines the matters

in controversy to be determined in the proceeding. Objections to the order may be filed by a party within five (5) days after service of the order, except that the regulatory staff may file objections to such order within ten (10) days after service. Parties may not file replies to the objections unless the board so directs. The filing of objections shall not stay the decision unless the presiding officer so orders. The board may revise the order in the light of the objections presented and, as permitted by § 2.718(i) may certify for determination to the Commission or the Atomic Safety and Licensing Appeal Board, as appropriate, such matters raised in the objections as it deems appropriate. The order shall control the subsequent course of the proceeding unless modified for good cause.

5. In § 2.754, paragraph (a) is revised to read as follows:

§ 2.754 Proposed findings and conclusions.

(a) Any party to a proceeding may, or if directed by the presiding officer shall, file proposed findings of fact and conclusions of law, briefs and a proposed form or order of decision within the time provided by the following subparagraphs, except as otherwise ordered by the presiding officer:

(1) The party who has the burden of proof shall, within thirty (30) days after the record is closed, file proposed findings of fact and conclusions of law and briefs, and a proposed form of order or decision.

(2) Other parties may file proposed findings, conclusions of law and briefs within forty (40) days after the record is closed. However, the staff may file such proposed findings, conclusions of law and briefs within fifty (50) days after the record is closed.

(3) A party who has the burden of proof may reply within five (5) days after filing of proposed findings and conclusions of law and briefs by other parties.

(Sec. 161p., Pub. L. No. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. No. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 3rd day of June, 1981.

For the Commission,

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16670 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-24; Amdt. 39-4125]

Bell Model 214 Helicopter; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection of and application of corrosion protection to Bell Helicopter Textron Model 214 helicopter main rotor spindle attachment pin retention bolts. This AD also establishes a 1,200 flight-hour retirement life for these bolts. The manufacturer has received two reports of missing or broken attachment pin retention bolts after flights. Examination of the remains of one bolt revealed the failure resulted from stress corrosion. Failure of a bolt could result in loss of a spindle attachment pin, which would then result in loss of a main rotor blade. This AD is needed to establish inspection, rework, and retirement criteria to prevent bolt failure and possible loss of a helicopter.

DATES: Effective June 11, 1981. Compliance required as indicated in the AD.

ADDRESSES: Alert Service Bulletin 214-81-17 may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: All Bell Model 214 helicopters have four spindle attachment pin retention bolts, P/N EWB26-10H90, installed. The manufacturer has received two reports where one of the four bolts was found missing or broken after flight. An examination of the remnant of one of the bolts indicated the failure resulted from stress corrosion. Severe corrosion and pitting was found on the shank of the bolt. Failure of a bolt could result in loss

of a spindle attachment pin, which would then cause loss of a main rotor blade and subsequent loss of the helicopter. To prevent bolt failure, all spindle attachment pin retention bolts require inspection and protection from corrosion within the next 50 hours' time in service following the effective date of this AD. Further, a retirement life of 1,200 flight hours is established for these bolts. No previous mandatory retirement life was established for these bolts.

The time required to accomplish this inspection is approximately 1 hour for all four bolts. Bolts that show evidence of corrosion or that exceed the retirement life established by this AD will require replacement.

Since a situation exists that requires immediate adoption of this AD, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective immediately to all U.S. owners and operators of Bell Model 214 helicopters.

Adoption of the Amendment

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

Bell Helicopter Textron (BHT): Amendment 39-4125. Applies to all Model 214 series helicopters certified in all categories (Airworthiness Docket No. 81-ASW-24).

To prevent possible failure of main rotor spindle attachment pin retention bolts, P/N EWB26-10H90, accomplish the following:

(a) Unless Bell Helicopter Textron Alert Service Bulletin 214-81-17 has been previously complied with, within the next 50 hours' time in service after the effective date of this AD:

(1) Remove and inspect each of the four main rotor spindle attachment pin retention bolts, P/N EWB26-10H90, for evidence of corrosion.

(2) Replace all bolts exceeding 1,200 hours' time in service or showing evidence of corrosion.

(3) When installing the bolts, assure that each bolt is installed using corrosion prevention compound MIL-C-16173 grade 1 or 2 or equivalent on the shank of the bolt. Wipe threads clean prior to installing the nuts. Torque the nut to 150 foot-pounds.

(b) Bolts, P/N EWB26-10H90, now have a 1,200 hour retirement. Record the 1,200 hour retirement life in the aircraft records.

(c) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(d) In accordance with FAR 21.197, flight is permitted to a base where the inspection and repairs required by this AD may be accomplished.

This amendment becomes effective June 11, 1981.

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

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

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

Issued in Fort Worth, Tex., on May 22, 1981.

F. E. Whitfield,
Acting Director, Southwest Region.

[FR Doc. 81-16884 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-13, Amdt. 39-4128]

Consolidated Aeronautics, Inc., Colonial C-1, Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: Amendment 39-3589 (44 FR 60719), Airworthiness Directive (AD) 79-21-09, is amended by changing the applicability to a more limited number of airplanes.

DATES: Effective date June 8, 1981. Comments on the rule must be received on or before July 8, 1981. Compliance schedule—as prescribed in text of AD.

ADDRESS: Send comments in duplicate to: DOT, FAA, New England Region, Office of the Regional Counsel, ANE-7, Attn: Rules Docket Clerk, Docket No. 79-NE-13, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Vavruska, Systems and Equipment Section (ANE-213), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7332.

SUPPLEMENTARY INFORMATION:**Prior Regulatory History**

Amendment 39-3589 (44 FR 60719), AD 79-21-09, was issued to add fuses in the electrically unprotected power lines which bypass the battery relay in the bilge pump and anchor light circuits. After issuing Amendment 39-3589, it came to the attention of the FAA that some of the affected airplanes have bilge pumps and/or anchor lights installed with power lines which do not bypass the airplane battery relay. Therefore, the AD is amended to apply to only those airplanes which have bilge pumps or anchor lights with power lines which bypass the battery relay.

Request for Comments on the Rule

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received before the end of the comment period will be considered by the Administrator, and the AD may be further amended in the light of comments received. All comments will be available both before and after the comment period in the Rules Docket for examination by interested persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-3589 (44 FR 60719), AD 79-21-09, is amended by replacing the opening applicability paragraph with the following:

Consolidated Aeronautics: Applies to Colonial C-1, Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 airplanes with an anchor light or bilge pump installed with a power line which bypasses the battery relay.

This amendment becomes effective June 8, 1981.

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

Note.—The FAA has determined that this regulation is relieving in nature and does not place a further burden on the public. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Mass., on May 27, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81-16883 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-SO-31, Amdt. No. 39-4129]

Piper Models PA-28RT-201/201T, PA-34-200/200T Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and, if required, modification of the rudder torque tube fitting on certain Piper Models PA-28RT-201, PA-28RT-201T, PA-34-200, and PA-34-200T airplanes. The AD is needed to prevent elongation of the attachment holes of the rudder torque tube fitting, which could result in looseness of the rudder and loss of rudder effectiveness, and possible loss of control of the airplane.

DATE: Effective June 16, 1981. Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (707) 748-6711.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ASO-212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636,

Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION:

Insufficient torque may exist on the four rudder sector assembly attachment bolts on certain Piper Models PA-28RT-201, PA-28RT-201T, PA-34-200, and PA-34-200T airplanes. There have been 17 reports of loose attachment bolts on the rudder torque tube fitting. If this condition exists and is left uncorrected, elongation of the attachment holes and damage to the rudder torque tube fitting could occur, which could result in loss of rudder effectiveness and possible loss of control of the airplane. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection and, if required, modification of the rudder system on certain Piper Models PA-28 and PA-34 series airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following serial numbered Models PA-28 and PA-34 series airplanes, certificated in all categories:

PA-28RT-201 (Arrow IV)—

28R-7918001 through 28R-8118032

PA-28RT-201T (Turbo Arrow IV)—

28R-7931001 through 28R-8131050

PA-34-200 (Seneca)—

34-7250001 through 34-7450220

PA-34-200T (Seneca II)—

34-7570001 through 34-8170065

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent loss of rudder effectiveness and possible loss of control, accomplish the following:

a. Visually inspect the rudder torque tube attachment fitting and hardware, replace parts as required, and modify the rudder system, if required, in accordance with Piper Aircraft Corporation Service Bulletin No. 609, dated April 1, 1981, and Piper Inspection Kit, P/N 764 100V.

b. Make appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective June 16, 1981.

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

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

Issued in East Point, Ga., on May 28, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-16882 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NE-09, Amdt. 39-4130]

Sikorsky S-76A Helicopters Certificated in All Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons emergency telegraphic Airworthiness Directive (AD) T-81-07-51, which was previously made effective as to all known operators of the Sikorsky S-76A helicopters certificated in all categories, by individual telegrams. This amendment is required because of a recent in-flight fracture of a main rotor spindle.

This amendment makes mandatory specific paragraphs of Sikorsky Customer Service Bulletin 76-65-22B and requires removal from service of all main rotor spindles with 700 hours or more time in service and, prior to further flight, a fluorescent penetrant inspection of main rotor spindles with more than 200 hours time in service on March 20, 1981. Recurrent fluorescent penetrant and spindle shear bearing diametrical clearance inspections and replacement of the spindle and shear bearings under

specified conditions are also required. Investigation of the recent fracture is in progress, and revision of this amendment can be expected after further investigation.

DATES: Effective June 11, 1981, as to all persons except those persons to whom it was made immediately effective by the telegram dated March 20, 1981. Comments must be received on or before July 10, 1981. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81-NE-12, New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the service bulletin are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Stephen J. Soltis, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

On March 20, 1981, emergency telegraphic AD T-81-07-51 was issued and made effective immediately to all known operators of the Sikorsky S-76A helicopter. This telegraphic AD required immediate removal from service of all main rotor spindles with 700 hours or more time in service; an initial and repetitive fluorescent penetrant inspection of main rotor spindles; inspection of the spindle shear bearings for diametrical clearance; and replacement of the spindle and shear bearing under specified conditions.

This action was required because of a recent in-flight fracture of a main rotor spindle. It is suspected that spindle shear bearing wear may have contributed to the spindle fatigue failure. Since this condition can develop on other helicopters of the same type design, this AD, which establishes a main rotor spindle replacement time and makes mandatory specific paragraphs of Sikorsky Customer Service Bulletin 76-65-22B, is being issued.

FAA engineering evaluation of this incident and corrective action is continuing, and revision of this AD can be expected as additional data becomes available.

Need for Amendment

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

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective June 11, 1981, by adding the following new AD:

Sikorsky Aircraft: Applies to S-76A series helicopters certificated in all categories. Compliance required as indicated.

To prevent fracture of main rotor spindles, accomplish the following:

1. For main rotor spindles, P/N 76102-08001 series, with more than 200 hours time in service on March 20, 1981, compliance required prior to further flight, unless already accomplished within the last 100 hours time in service, and thereafter for all spindles upon removal and/or replacement of either the main rotor spindle, P/N76102-08001 series, the spindle bearing inner race, P/Ns SB 5206-102/-103/-104, or the spindle bearing outer race, P/N SB 5206-202.

Remove and fluorescent penetrant inspect main rotor spindles, P/N 76102-08001 series, for cracks in accordance with Sikorsky Alert Service Bulletin 76-6513A, paragraph G(6), dated April 24, 1980, or later FAA approved revision.

If a crack indication is found, replace the main rotor blade spindle with a new or serviceable main rotor blade spindle, prior to

next flight, in accordance with Sikorsky S-76A Maintenance Manual, SA4047-76-2, Section 65-12-02.

2. Prior to further flight, remove from service all main rotor spindles, P/N 76102-08001 series, with 700 or more hours time in service, and replace with a serviceable spindle in accordance with the instructions contained in Chapter 65 of the Sikorsky S-76A Maintenance Manual, SA4047-76-2.

3. Thereafter, remove from service all spindles, P/N 76102-08001 series, upon accumulation of 700 hours time in service, and replace with a serviceable spindle in accordance with the instructions contained in Chapter 65 of the Sikorsky S-76A Maintenance Manual, SA4047-76-2.

4. For main rotor spindles, P/N 76102-08001 series, or spindle shear bearing inner races, P/N SB 5206-202, with more than 200 hours time in service on March 20, 1981, compliance required within the next 5 hours time in service after March 20, 1981, unless already accomplished, and thereafter for all spindles upon removal and/or replacement of either the main rotor spindle, P/N 76102-08001 series, the spindle bearing inner race, P/Ns SB 5206-102/-103/-104, or the spindle bearing outer race, P/N SB 5206-202. Inspect the shear bearing inner/outer races for diametrical clearance, and replace the main rotor spindle if the diametrical clearance exceeds 0.015 inches, in accordance with Sikorsky Customer Service Bulletin No. 76-65-22B, paragraph G(2), dated May 1, 1981, or later FAA-approved revision. Spindles known to have operated with less than 10 hours time in service with diametrical clearances in excess of 0.015 inches may be returned to service.

5. For all main rotor spindles with more than 200 hours time in service on March 20, 1981, and on all other spindles before the accumulation of 225 hours time in service which do not have a record of Kahr bearings installed, compliance required within the next 25 hours time in service after March 20, 1981, unless already accomplished, and thereafter for all spindle/bearings at intervals not to exceed 350 hours time in service.

Inspect for wear and vendor origin the main rotor spindle shear bearings outer race, P/N SB 5206-202, and inner race, P/Ns SB 5206-102/-103/-104, and replace, as necessary, in accordance with Sikorsky Customer Service Bulletin No. 76-65-22B, paragraphs G(4) and G(5), dated May 1, 1981, or later FAA-approved revision.

6. Aircraft may be ferried to a base for compliance with this AD in accordance with § 21.197 of the Federal Aviation Regulations.

7. Upon request of the operator, an alternate means of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

8. Report within 24 hours any discrepancies found and the spindle time in service to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

This amendment becomes effective June 11, 1981, as to all persons except those persons to whom it was made immediately effective by the telegram dated March 20, 1981.

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

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

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

Issued in Burlington, Mass., on May 28, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81-16881 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-20]

Alteration of Control Zone: Longview, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zone at

Longview, Texas. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the Gregg County Airport. The amendment is necessary due to the future possibility of part-timing of the Longview Airport Traffic Control Tower (ATCT). If the facility is reduced to less than a 24-hour status, there will be no weather reporting available when the facility is nonoperational. Therefore, the airport will not meet the requirements for a control zone during this period.

DATES: Effective date August 6, 1981. Comments on the rule must be received before July 27, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81-ASW-20, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the Federal Register on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone description at Longview, Texas, will necessitate an amendment to this subpart. A statement at the end of the current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the ATCT is not operational.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Longview, Texas, control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t., August 6, 1981, by adding:

The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex., on May 29, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-10029 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**Bureau of Economic Analysis****15 CFR Part 806****BE-12, Benchmark Survey of Foreign Direct Investment in the United States—1980**

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This action amends the regulations to provide for the BE-12, Benchmark Survey of Foreign Direct Investment in the United States, 1980. Section 4(b) of the International Investment Survey Act of 1976, Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108 (the Act), requires that a benchmark survey of foreign direct investment in the United States be conducted at least once every five years. Such a survey will be conducted covering the year 1980.

EFFECTIVE DATE: This rule is effective June 8, 1981.

FOR FURTHER INFORMATION CONTACT: George R. Krueger, Chief, International Economic Division, Bureau of Economic Analysis, U.S. Department of

Commerce, Washington, D.C. 20230 (202) 523-0657.

SUPPLEMENTARY INFORMATION: The Department has determined that this rule is not "major" under Executive Order 12291, nor does it have a significant economic impact on a substantial number of small business entities and is in accordance with 5 U.S.C. 601 *et seq.* (The Regulatory Flexibility Act). The public use burden will be undertaken within the Department of Commerce allocated FY 1981 Information Collection Budget ceiling.

In the January 22, 1981 Federal Register, Volume 46, No. 14, BEA published two notices soliciting comments concerning proposed rules; the first—"BE-12, Benchmark Survey of Foreign Direct Investment in the United States, 1980; Solicitation of Written Public Comments on Proposed Survey Form and Associated Rule Changes"—appeared on pages 7214-43; the second—"Direct Investment Surveys; Solicitation of Written Public Comments on Proposed Survey Rule Changes"—appeared on page 7244. Because of the recent restrictions on issuing final regulations, those two notices have been reconstituted into two new final rule notices, one that covers rule changes that will result in a reduction in reporting burden on the public and another that provides for the BE-12 benchmark survey, which will increase the reporting burden on the public. This final rule notice is the latter; the former notice was previously published in the Federal Register. (46 FR 23225, April 24, 1981)

All comments received were considered in developing the final rules and survey forms. The final rules for the BE-12 survey are the same as the proposed rules; no changes have been made. Numerous small changes were made to the report form, but, substantively, it is the same as the proposed report form.

Part 806 is therefore modified as set forth below.

George Jaszi,
Director.

Section 806.17 is revised to read as follows:

§ 806.17 Rules and regulations for BE-12, benchmark survey of foreign direct investment in the United States—1980.

A BE-12, Benchmark Survey of Foreign Direct Investment in the United States will be conducted covering 1980. All legal authorities, provisions, definitions, and requirements contained in 806.1 through 806.13, and 806.15 (a) through (g) are applicable to this Survey.

Specific additional rules and regulations for the BE-12 Survey are given below.

(a) Basic requirement—A BE-12 report is required for each U.S. affiliate, i.e., for each U.S. business enterprise in which a foreign person owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise, at any time during the business enterprise's 1980 fiscal year. A business enterprise's 1980 fiscal year is the business enterprise's financial reporting year that has an ending date in calendar year 1980. For a business enterprise that does not have a financial reporting year, such as investment in unimproved real estate, or does not have a financial reporting year ending in calendar year 1980, its 1980 fiscal year is deemed to be the same as calendar year 1980. A report is required even though the foreign person's equity interest in the U.S. business enterprise may have been established, acquired, liquidated or sold during the reporting period.

(b) Exemption—A U.S. affiliate as consolidated, or aggregated in the case of real estate investments, is not required to file a BE-12 report if:

(1) Each of the following three items for the U.S. affiliate (not the foreign parent's share) was between —\$1,000,000 and +\$1,000,000 during the reporting period:

- (i) Total assets,
- (ii) Sales or gross operating revenues, excluding sales taxes, and
- (iii) Net income after provision for U.S. income taxes, and

(2) The U.S. affiliate did not own 200 acres or more of U.S. land during the reporting period (if the U.S. affiliate owned 200 acres or more of U.S. land, it must report regardless of the value of the three items listed above).

If a U.S. business enterprise is a U.S. affiliate but is not required to file a completed Form BE-12 because it falls below the exemption levels, then it must complete and file a "Claim for Not Filing a Form BE-12" with item 5 of the Claim marked and the information requested in item 5 provided. (The Claim is on the last page of the standard Form BE-12 and should be detached for filing.)

(c) Banks—A specialized report form (Form BE-12 BANK) has been adopted for U.S. affiliates that are banks (including bank holding companies), that is, for U.S. business enterprises over 50 percent of whose total revenues are generated by activities classified in industry code 600. Use of specialized Form BE-12 BANK is at the discretion of BEA; in situations where use of Form

BE-12 BANK is not clear-cut, permission to use it must be secured from BEA in advance of filing. Nonbank U.S. affiliates owned by a U.S. affiliate that is a bank or a bank holding company may not be consolidated on Form BE-12 BANK, but must be reported separately on a standard Form BE-12. Activities of nonbank U.S. affiliates that provide support to the parent bank company, such as a real estate subsidiary set up to hold the office building occupied by the parent company, are considered part of the bank activity. Form BE-12 BANK, where its use is permitted, stands in place of Form BE-12, and the instructions given for Form BE-12 BANK should be so construed.

(d) Due date—A completed and certified 1980 Form BE-12 must be filed with BEA not later than August 15, 1981.

(e) Inquiries concerning Form BE-12 should be directed to: U.S. Department of Commerce, Bureau of Economic Analysis (BE-50/IN), Washington, D.C. 20230. Telephone (202) 523-0547 or (202) 523-0632.

[FR Doc. 81-10014 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-06-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9017]

Horizon Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Tucson, Arizona land sales company, one of the largest sellers of undeveloped land in the Southwest, to establish as specified in the order, a \$14.5 million trust fund to be distributed to eligible past purchasers. The order also requires the firm to make prescribed disclosures regarding the risks involved in undeveloped land investment; provide purchasers with a cooling-off period in which to cancel their dealings; and furnish a "NOTICE TO BUYERS" that provides prospective purchasers with pertinent information regarding the property, roads, utilities and recreational facilities. Respondent is further prohibited from discouraging purchasers from consulting with a real estate specialist prior to purchase; using high pressure sales tactics; using state and federal property reports as endorsements and utilizing certain contractual provisions, including one whereby defaulting purchasers forfeit all payments made. Additionally, the firm is

required to ensure that \$45 million is spent to improve certain properties over a 20-year period and establish and maintain a surveillance program designed to detect violations of the order.

DATES: Complaint issued March 11, 1975. Final order issued May 15, 1981.¹

FOR FURTHER INFORMATION CONTACT: FTC/PM, Alan N. Schlaifer, Washington, D.C. 20580. (202) 523-3909. FTC/PM, S. Ricardo Narvaiz, Washington, D.C. 20580. (202) 523-3660.

SUPPLEMENTARY INFORMATION: In the Matter of Horizon Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly, 13.10-1 Availability of merchandise and/or facilities; § 13.15 Business status, advantages or connections, 13.15-20 Business methods and policies, 13.15-30 Connections or arrangements with others, 13.15-35 Contracts and obligations, 13.15-240 Properties and rights, 13.15-245 Prospects, 13.15-275 Stock, product, or service; § 13.35 Condition of goods; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.85 Government approval, action, connection or standards, 13.85-35 Government endorsement, 13.85-65 States; § 13.90 History of product or offering; § 13.105 Individual's special selection or situation; § 13.125 Limited offers or supply; § 13.143 Opportunities; § 13.155 Prices, 13.155-5 Additional charges unmentioned; § 13.160 Promotional sales plans; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.195 Safety, 13.195-30 Investment; § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers; § 13.250 Success, use or standing; § 13.275 Undertakings, in general; § 13.285 Value. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-15 Destruction of records and/or data, 13.533-20 Disclosures, 13.533-35 Employment of independent agencies, 13.533-45 Maintain records, 13.533-55 Refunds, rebates and/or credits, 13.533-57 Restitution, 13.533-60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or

withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1370 Business methods, policies, and practices; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1435 History; § 13.1540 Reputation, success or standing; § 13.1560 Stock, product or service.

Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1572 Availability of advertised merchandise and/or facilities; § 13.1595 Condition of goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1632 Government endorsement or recommendation; § 13.1663 Individual's special selection or situation; § 13.1710 Qualities or properties; § 13.1725 Refunds; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions, 13.1760-50 Sales contract; § 13.1765 Undertakings, in general; § 13.1775 Value. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1776 Prices; § 13.1778 Additional costs unmentioned. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans.

Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1882 Prices, 13.1882-10 Additional prices unmentioned; § 13.1885 Qualities or properties; § 13.1889 Risk of loss; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions, 13.1905-50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.1935 Earnings and profits; § 13.1985 Individual's special selection or situation; § 13.2000 Limited offers or supply; § 13.2015 Opportunities in product or service; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 48. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance

¹ Copies of the Complaint, Initial Decision, Opinion, Appendices and Final Order filed with the original document.

therewith, is filed as a part of the original document.

Carol M. Thomas,
Secretary.

[FR Doc. 81-15914 Filed 6-5-81; 8:45 am]

BILLING CODE 4750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

[T.D. 81-162]

Specific Country of Origin Marking Requirements for Imported Anchors

AGENCY: Customs Service, Treasury.

ACTION: Ruling; Policy statement under § 134.42, Customs Regulations.

SUMMARY: Customs has learned that the country of origin on imported anchors, classified under item 652.03, Tariff Schedules of the United States, is sometimes marked by means of paint stenciling. Typically, anchors are stored outdoors and are subject to weathering which causes the paint stenciled marking to either be washed off or become obscured due to rust. This document gives notice that, with certain specified exceptions, anchors shall be permanently and legibly marked with the country of origin by die stamping, raised lettering, or an equally permanent method of marking.

DATE: This ruling shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after September 8, 1981.

FOR FURTHER INFORMATION CONTACT: James Bartley, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), provides that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. That section also authorizes the Secretary of the Treasury to require specific methods of marking articles.

Part 134 of the Customs Regulations (19 CFR Part 134), sets forth the regulations implementing the country of origin marking requirements of 19 U.S.C. 1304(a), together with certain marking provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

Section 134.42, Customs Regulations (19 CFR 134.42), provides that specific methods of marking merchandise with its country of origin may be required by the Commissioner of Customs in accordance with 19 U.S.C. 1304(a), and that notices of such rulings shall be published in the *Federal Register* and the *Customs Bulletin*.

Customs has learned that the country of origin marking requirements are not being applied uniformly to imported anchors, classified under item 652.03, TSUS. Sometimes, the name of the country of origin on these articles is marked by means of paint stenciling. Generally, anchors are stored outdoors and are subject to weathering which causes the paint stenciled markings to either be washed off or become obscured due to rust.

Permanent marking of imported anchors is needed to insure that an ultimate purchaser in the United States will be aware of the country of origin of the articles. Further, it appears that often when anchors are imported, they are "used" rather than new articles and that some of the anchors are of United States origin. In these cases, permanent markings will aid Customs officers in establishing whether used anchors imported into the United States are entitled to an exemption from the payment of duty as products of the United States.

Specific Method of Marking Required

To provide for uniformity of application of the country of origin marking requirements of 19 U.S.C. 1304, and to clarify those marking requirements, imported anchors shall be marked with their country of origin as follows:

1. Anchors, imported individually or in bulk by a distributor for resale to ultimate purchasers in the United States, shall each be permanently and legibly marked with the country of origin by die stamping, raised lettering, or an equally permanent method of marking. Anchors which are marked with the name of a location in the United States also shall be marked with the name of the country of origin preceded by, and in close proximity to, words such as "Made in," "Product of," or other words of similar meaning. This marking must be permanent and legible and in letters of comparable size as the name of the location in the United States.

2. There are two exceptions from the general country of origin marking requirements stated above for imported anchors, which are *not* marked with the name of a location in the United States.

(a) If the anchors are ordered directly from a foreign supplier by a contractor

or other ultimate purchaser in the United States who will use them and not offer them for resale, and if Customs is satisfied that the anchors were made in the country named in the invoice, they may be excepted from country of origin marking under 19 U.S.C. 1304(a)(3)(H).

(b) If the anchors are imported directly from a foreign supplier by a carrier, vessel owner, or shipbuilder, for use by the importer and not intended for sale in its imported or any other form, the anchors may be excepted from country of origin marking under 19 U.S.C. 1304(a)(3)(F).

Authority

This notice is being published in accordance with section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), and section 134.42, Customs Regulations (19 CFR 134.42).

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings (566-8237). However, personnel from other offices of the Customs Service participated in its development.

Dated: June 1, 1981.

Jack T. Lacy,

Acting Commissioner of Customs.

[FR Doc. 81-15916 Filed 6-5-81; 8:46 am]

BILLING CODE 4810-22-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5239/R79; PH-FRL-1847-1]

Diquat; Tolerances for Pesticides in Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation for residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from the application of the dibromide salt and calculated as the cation, in or on the food item, processed potatoes (including potato chips) at 0.5 part per million (ppm). This regulation was requested by Chevron Chemical Co. This regulation will establish the maximum permissible level for diquat in processed potatoes.

EFFECTIVE DATE: Effective on June 8, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk,

Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the *Federal Register* of November 9, 1979 (44 FR 65130) that Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a food additive petition (FAP 9H5239) to the EPA. The petition proposed that 21 CFR 193.160 be amended by establishing a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from the application of dibromide salt and calculated as cation in or on processed potatoes (including potato chips) at 0.2 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F proposing that the tolerance be increased from 0.2 ppm to 0.5 ppm.

No comments were received in response to this notice of filing. The data submitted in the petition and other relevant material have been evaluated.

The studies which provide the basis for the issuance of this food additive regulation are detailed in the regulation establishing tolerances for residues of diquat on certain raw agricultural commodities, which also appears in this issue of the *Federal Register*.

Based on a NOEL of 0.5 mg/kg in a 2-year rat feeding study (no cataracts observed at this level) and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg individual, the maximum permissible intake (MPI) is 0.30 mg/day. This tolerance and other currently pending tolerances will utilize 30.26 percent of the ADI.

There are no regulatory actions pending against registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 95239/R80 establishing a regulation for diquat on processed, dried potato waste and PP 9F2265/R329 establishing tolerances on several raw agricultural commodities, appear elsewhere in this issue of the *Federal Register*.

Based on the information considered by the agency, the pesticide is

considered useful for the purpose for which the food additive regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 86 Stat. 973-999, 89 Stat. 751; 7 U.S.C. 136(a) et seq. Therefore, the regulation amending 21 CFR Part 193 is established as set forth below, permitting residues of diquat in or on processed potatoes (including potato chips) at 0.5 ppm.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule 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 regulation 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. 98-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels 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 24945). Effective on June 8, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 193.160 is amended by redesignating the existing text as paragraph (a), reserving paragraph (b) and adding paragraph (c) to read as follows:

§ 193.160 Diquat

- (a) * * *
- (b) [Reserved]

(c) A food additive regulation of 0.5 part per million is established for residues of diquat in processed potatoes (includes potato chips).

[FR Doc. 81-16856 Filed 6-6-81; 8:45 am.]

BILLING CODE 6560-32-M

21 CFR Part 561

[FAP 9H5239/R80; PH-FRL-1847-2]

Diquat; Tolerances for Pesticides in Animal Feeds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from the application of the dibromide salt and calculated as the cation, in or on processed, dried potato waste at 1.0 part per million (ppm). This regulation was requested by Chevron Chemical Co. This regulation will establish the maximum permissible level for diquat in processed, dried potato waste.

EFFECTIVE DATE: June 8, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), 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 November 9, 1979 (44 FR 65130) that Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a feed additive petition (FAP 9H5239) to the EPA. The petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from the application of dibromide salt and calculated as cation in or on the animal feed, processed dried potato waste at 1.0 ppm.

No comments were received in response to this notice of filing. The data submitted in the petition and other relevant material have been evaluated. The studies which provide the basis for the issuance of this regulation are detailed in the regulation establishing tolerances for residues of diquat or

certain raw agricultural commodities which also appears in this issue of the Federal Register.

Based on a NOEL of 0.5 mg/kg in a 2-year rat feeding study (no cataracts observed at this level) and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg individual, the maximum permissible intake (MPI) is 0.30 mg/day. This tolerance and other currently pending tolerances will utilize 30.26 percent of the ADI.

There are no regulatory actions pending against registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 9H5239/R79 establishing a regulation for diquat on processed potatoes and PP 9F2265/R329 establishing tolerances for diquat on several raw agricultural commodities, appear elsewhere in this issue of the Federal Register.

Based on the information considered by the agency, the pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 86 Stat. 973-999, 89 Stat. 751; 7 U.S.C. 136(a) et seq. Therefore, the regulation amending 21 CFR Part 561 establishing a feed additive regulation permitting residues of diquat in or on processed, dried potato waste at 1.0 ppm; is established as set forth below.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule 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 regulation 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 food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels 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 24945).

Effective on June 8, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 561 is amended by adding § 561.215 to read as follows:

§ 561.215 Diquat.

A feed additive regulation of 1.0 part per million (ppm) is established for residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinediium] derived from application of the dibromide salt and calculated as the cation, in processed, dried potato waste.

[FR Doc. 81-16855 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Transfer of Financial Assets to Federal Reserve Bank of New York

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are: (1) to direct banks and other persons holding Iranian financial assets to transfer them to the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981; (2) to revoke the policy of not seeking to impose criminal and civil sanctions on holders of Iranian property who do not comply with the transfer requirements of the Iranian Assets Control Regulations; (3) to provide additional guidance on the meaning of the term "commercially reasonable" rates of interest; (4) to make clear that no transfer requirement under § 535.213 or § 535.214 shall be deemed to

authorize or compel any payment or transfer of any obligation under a standby letter of credit, performance bond, or similar obligation as to which a blocked account has been established pursuant to § 535.568 or as to which payment is prohibited under an injunction obtained by the account party; and (5) to require that persons making the required transfers of financial assets of Iran to the Federal Reserve Bank of New York promptly report on those transfers to the Office of Foreign Assets Control.

The amendments are needed to facilitate the ongoing implementation of the Iran-U.S. agreements of January 19, 1981, providing for the release of the hostages detained in Iran and the transfer of Iranian property blocked by the United States. See further discussion under "Supplementary Information".

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In a recent decision, *Chas. T. Main International, Inc. v. Khuzestan Water & Power Authority*, No. 80-1027 (1st Cir., May 22, 1981), the United States Court of Appeals for the First Circuit held that the President has authority to order the transfer of blocked Iranian assets without regard to attachments or other judicial orders obtained subsequent to the November 14, 1979, blocking order, and that he has the authority to settle claims of U.S. parties against Iranian entities by providing for their submission to binding arbitration.

Similarly, the United States Court of Appeals for the District of Columbia Circuit, in *American International Group v. Islamic Republic of Iran*, No. 80-1779 (D.C. Cir., May 22, 1981), reviewed the Executive Orders nullifying attachments and suspending claims in implementation of the January 19, 1981, agreements, and rendered a judgment that the suspension of claims "is a lawful exercise of the President's power to arrange for the settlement of claims of American nationals against the governments of foreign states," and directed that attachments and other provisional remedies be vacated. These decisions confirm the legal judgments reached by the present Attorney General of the United States, and his predecessor, upholding the President's authority to order the prompt transfer of property in which Iran has an interest. Further, they provide the basis for

revocation of the policy established by the prior regulations against the seeking of civil and criminal sanctions against persons who hold or control Iranian property required to be transferred.

Section 203(a)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(3)), Section 1-103 of Executive Order 12279, Section 1-103 of Executive Order 12280, Section 1-103 of Executive Order 12281 and Section 535.219 of the Iranian Assets Control Regulations provide that compliance with the transfer directives of the Iranian Assets Control Regulations shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of the person so complying and further provide that no person shall be liable in any United States court for anything done or omitted in good faith compliance therewith.

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

31 CFR Part 535 is amended as follows:

1. Section 535.213 is amended by the revocation and removal of paragraph (b), by adding a new paragraph (b) in its place, and by adding paragraph (d) as follows:

§ 535.213 [Amended]

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part, and such funds, securities or deposits, plus interest at commercially reasonable rates from November 14, 1979, to the transfer date, shall be received by the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981. For periods for which rates are to be determined in the future, whether by agreement between Iran and the bank or otherwise (see § 535.440), interest for such periods shall be transferred to the Federal Reserve Bank of New York promptly upon such determination. Persons in possession or control of property required to be transferred by this section shall take all actions they believe necessary to effect the required transfers.

(d) The transfers of securities required by this section shall be made notwithstanding § 535.202.

2. Section 535.214 is amended by the revocation and removal of paragraph

(b), by adding a new paragraph (b) in its place, and by adding paragraph (d) as follows:

§ 535.214 [Amended]

(b) Transfers of funds and securities under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part, and such funds and securities shall be received by the Federal Reserve Bank of New York on or before noon, E.D.T., June 19, 1981. Persons in possession or control of property required to be transferred by this section shall take all actions they believe necessary to effect the required transfers.

(d) The transfers of securities required by this section shall be made notwithstanding § 535.202.

3. Section 535.221 is amended by the revocation and removal of paragraphs (a), (b) and (f), by the revision of paragraphs (c) and (d) and by the redesignation of paragraphs. As revised, § 535.221 reads as follows:

§ 535.221 Compliance with directive provisions.

(a) Transfers of deposits or funds required by §§ 535.213 and 535.214 of this part shall be effected by means of wire transfer to the Federal Reserve Bank of New York for credit to the following accounts: with respect to transfers required by § 535.213, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Deposit Account A, and with respect to transfers required by § 535.214, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Deposit Account B.

(b) Securities to be transferred as required by §§ 535.213 and 535.214 of this part that are not presently registered in the name of Iran or an Iranian entity shall be delivered to the Federal Reserve Bank of New York in fully transferable form (bearer or endorsed in blank), accompanied by all necessary transfer documentation, e.g., stock or bond powers or powers of attorney. All securities transferred, including those presently registered in the name of Iran or an Iranian entity, shall be accompanied by instructions to deposit such securities to the following accounts: with respect to transfers required by § 535.213, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Custody Account A, and with respect to transfers required by § 535.214, to the Federal Reserve Bank of New York, as fiscal agent of the United States, Special Custody Account B.

(1) Securities which are in book-entry form shall be transferred by wire transfer to the Federal Reserve Bank of New York to the appropriate account named in this paragraph.

(2) Definitive securities which are in bearer or registered form shall be hand delivered or forwarded by registered mail, insured, to the Federal Reserve Bank of New York, Safekeeping Department, to the appropriate account named in this paragraph.

(c) If a security in which Iran or an Iranian entity has an interest is evidenced by a depositary receipt or other evidence of a security, the legal owner of such security shall arrange to have the security placed in fully transferable form (bearer or endorsed in blank) as provided in paragraph (b) of this section, and transferred pursuant to paragraph (b)(2) of this section.

(d) Any person delivering a security or securities to the Federal Reserve Bank of New York under paragraph (b) shall provide the Bank at least 2 business days prior written notice of such delivery, specifically identifying the sending person, the face or par amount and type of security, and whether the security is in bearer, registered or book-entry form.

4. Section 535.337 is revised to read as follows:

§ 535.337 Funds.

For purposes of this part, the term "funds" shall mean monies in trust, escrow accounts and similar special funds, money market funds, cash balances held by a broker/dealer, currency and coins. It does not include accounts created under § 535.568.

5. Section 535.438 is amended by redesignating the existing text as paragraph (a) and by adding a new paragraph (b) as follows:

§ 535.438 [Amended]

(b) No transfer requirement under §§ 535.213 or 535.214 shall be deemed to authorize or compel any payment or transfer of any obligation under a standby letter of credit, performance bond or similar obligation as to which a blocked account has been established pursuant to § 535.568 or as to which payment is prohibited under an injunction obtained by the account party.

6. Section 535.440 is revised to read as follows:

§ 535.440 Commercially reasonable interest rates.

For purposes of §§ 535.212 and 535.213, what is meant by "commercially

reasonable rates" depends on the particular circumstances. In the case of time or savings deposits, the "commercially reasonable rate" is that rate provided for by the deposit agreement or applicable law. With respect to other obligations where the rate remains to be determined, it is presently expected that the "commercially reasonable rate" will be the rate agreed upon by the bank and Iran. However, where a deposit has in fact operated as a demand account under Treasury license, it would be appropriate to treat the deposit for purposes of §§ 535.212 and 535.213 as a non-interest-bearing account.

7. New § 535.620 is added as follows:

§ 535.620 Report of transfer of domestic bank assets and financial assets held by nonbanking institutions.

(a) *Requirement for reports.* A report shall be filed on Form TFR-620 by any bank or nonbanking institution regarding any transfer to the Federal Reserve Bank of New York under §§ 535.213 and 535.214 within 5 business days of such transfer.

(b) *Contents of report.* Each report shall contain the following information:

(1) Name and address of the transferor (indicate whether bank or nonbanking institution).

(2) Name and telephone number of person to be contacted about the transfer.

(3) Description of the property transferred with a list of accounts transferred, including account party, account number, and account amount, with breakdown between principal and interest.

(4) Total value (market value in the case of securities) of each transfer.

(5) Date and time of transfer.

(6) A statement as to how interest was calculated, including rate(s) of interest and period(s) for which the rate(s) was applied.

(c) *Filing.* Reports shall be prepared in triplicate. Two copies shall be sent in a set to Unit 620, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy shall be retained for the reporter's records.

(d) *Confidentiality of reports.* Reports under this section are regarded as privileged and confidential but may be disclosed to Iran.

(Secs. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No.

12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: June 4, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-17022 Filed 6-4-81; 3:47 pm]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP-9F2265/R329; PH-FRL 1847-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from the application of the dibromide salt and calculated as the cation in or on certain raw agricultural commodities. This regulation was requested by Chevron Chemical Co. This regulation establishes the maximum permissible level for residues of diquat in or on these commodities.

EFFECTIVE DATE: Effective on June 8, 1981.

ADDRESS: Written objections may be filed with the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, 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 November 9, 1979 (44 FR 65130) that the Chevron Chemical Co., 940 Hensley St., Richmond, CA 94894, had submitted a pesticide petition (PP 9F2265) to the EPA. The petition proposed that 40 CFR 180.226 be amended by the establishment of tolerances for the desiccant diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from application

of the dibromide salt and calculated as the cation in or on the raw agricultural commodities eggs, milk, meat, fat, and meat byproducts of poultry at 0.01 part per million (ppm) and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.02 ppm, and potatoes at .10 ppm.

The petitioner subsequently amended the petition by submitting a revised section F proposing that the tolerances be increased from 0.01 ppm to 0.02 ppm for eggs, milk and meat, fat, and meat byproducts of poultry.

No comments were received in response to the notice of filing. The data submitted in the petition and other relevant material have been evaluated.

This tolerance regulation is supported by the following studies: Eight acute oral feeding studies (rats, rabbits, mice, dogs, cows, and hens); two acute intraperitoneal studies (rat and rabbit); two acute dermal studies (rabbits); one acute skin irritation study (rat); one acute subcutaneous injection study (rat); two acute eye irritation studies (rabbits); one acute inhalation study (rat); two subchronic dermal studies (rabbits); two subchronic inhalation studies (rats); five chronic feeding studies (rats and dogs); one reproduction study (one-generation; rat); one teratology study (rat); and one oncogenic study (mouse).

A 2-year rat feeding study has demonstrated a NOEL of 10 ppm (i.e. no cataracts were observed at 10 ppm). In this same study, at 1,000 ppm, other than the appearance of cataracts, there was no effect on survival rate, hematology, clinical biochemistry, urinalysis, organ weights, incidence of tumors, and gross and microscopic tissue changes. Reproduction was not impaired in rats at a dietary intake level of 500 ppm, in a study where the same parents produced three consecutive litters. The 500 ppm level was nonteratogenic to rats. An 80-week feeding study showed that a 300 ppm (highest tested) level was nononcogenic to mice. Twenty daily applications of diquat dibromide to intact rabbit skin resulted in a NOEL of 20 mg of diquat cation/kg of body weight. Fifteen 6-hour daily inhalation exposures indicated that a NOEL was higher than 1.0 microgram/liter of air for rats, mice, guinea pigs, and dogs. Single (acute) exposures to diquat dibromide by oral or dermal routes resulted in the following LD₅₀ values (mg cation/kg body weight): Rat, oral equals 400-440, and rabbit, dermal greater than 500. Single oral exposure of rats to a formulation containing 19.3 percent of

diquat cation resulted in an LD₅₀ of 810 mg/kg and no gross or microscopic pathological tissue changes were observed at the 1,800 mg/kg level. No opacity or iritis occurred after a formulation containing 18.9 percent of diquat cation was sprayed into rabbits' eyes, and the eyes remained unwashed for 14 days.

The following additional data are required to fill gaps in the toxicity base and support registration: Acute and subchronic (21 days) inhalation studies (technical diquat dibromide and formulated product); acute dermal toxicity studies (technical); primary dermal irritation potential study (formulated product); primary eye irritation studies (technical and formulated product); a second teratology study in species other than rat; a multigeneration reproduction study; and mutagenicity studies.

Based on a NOEL of 0.5 mg/kg in the 2-year rat feeding study (no cataracts observed at this level), and a safety factor of 100, the acceptable daily intake (ADI) is 0.005 mg/kg/day. For a 60 kg person, the maximum permissible intake (MPI) is 0.300 mg/day. These tolerances, and other currently pending tolerances, utilize 30.26 percent of the ADI.

There are no regulatory actions pending against the registration of this chemical. The metabolism of diquat in plants and animals is adequately understood and an analytical method (high pressure liquid chromatography (HPLC) and spectrophotometry) is available for enforcement purposes. Two related documents, FAP 9H5239/R79 and FAP 9H5239/R80 establishing regulations permitting residues of diquat in processed potatoes (including potato chips) and processed, dried potato waste, respectively, appear elsewhere in this issue of the *Federal Register*.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances for diquat residues in or on the raw agricultural commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before July 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. St. W., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule 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 regulation 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).

Effective on June 8, 1981.
(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.226 is revised to read as follows:

§ 180.226 Diquat; tolerances for residues.

Tolerances are established for residues of the plant growth regulator diquat [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium] derived from application of the dibromide salt and calculated as the cation in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.02
Cattle, mbyop	0.02
Cattle, meat	0.02
Eggs	0.02
Goats, fat	0.02
Goats, mbyop	0.02
Goats, meat	0.02
Hogs, fat	0.02
Hogs, mbyop	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, mbyop	0.02
Horses, meat	0.02
Milk	0.02
Potatoes	0.1
Poultry, fat	0.02
Poultry, mbyop	0.02
Poultry, meat	0.02
Sheep, fat	0.02
Sheep, mbyop	0.02
Sheep, meat	0.02
Sugarcane	0.05

(FR Doc. 81-16854 Filed 6-5-81; 8:45 am)

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Health Services Administration

45 CFR Part 3

Conduct of Persons and Traffic on Certain Federal Enclaves; Correction

AGENCY: National Institutes of Health and Health Services Administration, Public Health Service, Department of Health and Human Services.

ACTION: Final rule; correction.

SUMMARY: This notice corrects a typographical error which appears in 45 CFR 3.23(c) of the regulations relating to parking published at 45 FR 41821, June 20, 1980.

FOR FURTHER INFORMATION CONTACT:

William G. Ketterer, Senior Attorney, NIH, Office of the General Counsel, Building 31, Room 2B-50, National Institutes of Health, Bethesda, Maryland 20205, Telephone: (301) 496-6043.

SUPPLEMENTARY INFORMATION: On June 20, 1980, final regulations governing conduct and traffic on the NIH and Staten Island Federal Enclaves were published in the *Federal Register* (45 FR 41820), and subsequently were codified as 45 CFR Part 3 (revised as of October 1, 1980.) Paragraph (c) of § 3.23 of Title 45 CFR is corrected by amending the word "part" in the first line to read "park." As corrected paragraph (c) reads as follows: "(c) Visitors must park in areas identified for that purpose by posted signs or similar instructions, such as, 'visitor parking' and 'reserved for visitors'."

Dated: June 1, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

(FR Doc. 81-16828 Filed 6-5-81; 8:45 am)

BILLING CODE 4110-08-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

(BC Docket No. 80-239; RM-3473)

FM Broadcast Station in Orchard, Nebr.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 287 to Orchard, Nebraska, in response to a petition filed by Jerry L.

Miller. The assignment could provide Orchard with a first local aural broadcast service, as well as render significant first and second FM and nighttime aural services to surrounding areas and populations.

DATE: Effective August 3, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 26, 1981.

Released: June 2, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Orchard, Nebraska). By the Chief, Policy and Rules Division:

1. The Commission has under consideration herein the *Notice of Proposed Rule Making*, 45 FR 37869, published June 5, 1980, which proposed the assignment of Class C FM Channel 287 to Orchard, Nebraska, as that community's first FM assignment, in response to a petition filed by Jerry L. Miller ("petitioner"). Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Orchard (population 467),¹ in Antelope County (population 9,047), is located approximately 225 kilometers (140 miles) northwest of Omaha, Nebraska. The channel could be assigned to Orchard provided the transmitter site is located approximately 8 kilometers (5 miles) northwest of that community to comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

3. In support of its proposal, petitioner submitted information with respect to Orchard which is persuasive as to its need for a first FM channel assignment. In addition, petitioner pointed out, as it had earlier, that a substantial first FM service to 9,793 persons in a 4,264 square kilometer (1,666 square mile) area, second FM service to 8,543 persons in a 3,018 square kilometer (1,179 square mile) area, first nighttime aural service to 3,860 persons in a 2,122 square kilometer (829 square mile) area, and second nighttime aural service to 6,828 persons in a 2,828 square kilometer

(1,105 square mile) area would be provided.

4. As requested in the *Notice*, petitioner submitted a preclusion study which indicates that the twenty-three precluded communities, with populations in excess of 1,000 and without any present FM assignments, have numerous alternative channels available for assignment.

5. We believe that the public interest would be served by the assignment of Channel 287 to Orchard, Nebraska. An interest has been shown for its use and such assignment could provide the community with a first local aural broadcast service, as well as rendering significant first and second FM and nighttime aural services to surrounding areas and populations.

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

7. Accordingly, it is ordered, That effective August 3, 1981, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Orchard, Nebr	287

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

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

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

[FR Doc. 81-16829 Filed 6-5-81; 9:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-237; RM-3361, 3721]

FM Broadcast Stations in Wilson and Grifton, N.C.; Changes Made in Table of Assignments; Radio Broadcast Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Grifton, North Carolina, in response to a proposal filed by Evelyn Joyce Ivey. The assignment

could provide Grifton with a first local aural service. It also denies the request of BBC Broadcasting Corp. to assign the same channel to Wilson, North Carolina as that community's second local FM service.

DATE: Effective July 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: May 26, 1981.

Released: June 1, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wilson and Grifton, North Carolina).

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making* herein, 45 FR 37239, published June 2, 1980, proposing the assignment of FM Channel 257A to Wilson, North Carolina, as that community's second FM assignment, in response to a petition filed by BBC Broadcasting Corp. ("petitioner"). Petitioner filed comments reiterating its intent to file for the channel, if assigned to that community. Comments and a counterproposal¹ were submitted by Evelyn Joyce Ivey ("Ivey"), in response to the *Notice*, in which she seeks assignment of Channel 257A to Grifton, North Carolina, as that community's first local aural FM broadcast service. She also stated therein her intent to file for the channel if assigned to Grifton. No replies to the counterproposal were received.

2. Since the distance between Wilson and Grifton is 64 kilometers (40 miles), and the required mileage separation for co-channel Class A assignments is 104 kilometers (65 miles), the proposals are mutually exclusive. No other channels are available for assignment to either community.

3. Wilson (population 29,347), is located in Wilson County (population 57,600), approximately 61 kilometers (38 miles) east of Raleigh, North Carolina. Wilson is presently served locally by fulltime AM Station WGTM, daytime-only AM Stations WLLY and WVOY,

¹Public Notice of the Counterproposal was given August 13, 1980, Report No. 1244.

¹Population figures are taken from the 1970 U.S. Census.

and FM Station WXXY (Channel 291). Grifton (population 1,860), which has no local service, is located on the border between Pitt County (population 73,900), and Lenoir County (population 55,204),² approximately 112 kilometers (70 miles) southeast of Raleigh and 64 kilometers (40 miles) southeast of Wilson.

4. Petitioner has previously submitted its community profile to reflect its stated need for a second FM service. Ivey, in her counter-proposal, points out that Grifton is a rapidly growing community with its own form of administration. She provides the preliminary 1980 Census data estimated population of 2,186 for Grifton, a 17.5% increase. Further, she states that the town is predominately residential, but that it has prospered for many years as the central area of an historical farming district. She also states that it has its own municipal services, stores, professional offices, financial institutions, schools, churches and civic organizations. The nearest radio stations are located 12-20 miles distant, in Kinston and Greenville, North Carolina, according to Ivey.

5. As assignment to Wilson would provide a second FM service to a community of over 29,000 population; conversely, if made to Grifton, that community would receive a first local aural FM broadcast service. In comparing these mutually-exclusive proposals, we place a higher priority on the extent of local aural services over the relative size of the communities.³ While Wilson is a larger community than Grifton, it is adequately served by three AM stations and one FM. Basing our determination in accordance with the Commission's established FM priorities, lending preference to a first local aural service over a second FM service to a community, we will assign Channel 257A to Grifton.

6. In order to comply with the Commission's minimum distance mileage separation requirements, a site restriction of 5.2 kilometers (3.2 miles) east of Grifton is required for this assignment to avoid short-spacing to existing Station WQTR (Channel 256), in Whiteville, North Carolina.

7. Accordingly, it is ordered, That effective July 27, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

²Population figures are taken from the 1970 U.S. Census.

³See *Further Notice of Proposed Rule Making in Docket 14185*, FCC 62-867 (1962); *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520, 524-525 (1974); *Springdale, Arkansas and Washburn, Missouri*, 46 FR 16286, published March 12, 1981.

City	Channel No.
Grifton, N.C.	257A

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

9. It is further ordered, That the petition of BBC Broadcasting Corp. to assign Channel 257A to Wilson, North Carolina, is denied.

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

11. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Federal Communications Commission.

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

[FR Doc. 81-16626 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

Pacific Halibut Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of final rule.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission, publishes notice of regulations promulgated by that Commission and approved by the United States Government to govern the Pacific halibut fishery for 1981.

The purpose of this regulation is to achieve conservation measures, and protective measures where necessary, to help rebuild and sustain at an adequate level the halibut stocks of the northern Pacific Ocean and Bering Sea.

EFFECTIVE DATE: June 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586-7221, or Executive Director, International Pacific Halibut Commission, P.O. Box 5009, University Station, Seattle, Washington 98105, (206) 634-1838.

SUPPLEMENTARY INFORMATION: The International Pacific Halibut Commission (IPHC), under the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (signed at Ottawa on March 2, 1953), as amended by a Protocol Amending the Convention (signed at Washington on March 29, 1979), has promulgated regulations governing the Pacific Halibut Fishery for 1981. The regulations have been approved by the Secretary of State of the United States of America and by the Governor-General of Canada, by Order-in-Council. On behalf of the International Commission, the regulations are now published in order to provide notice of their effectiveness, and to inform persons subject to the regulations of the restrictions and requirements established therein. The regulations are very similar to those which have been in effect in previous years under the Convention.

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen v. National Marine Fisheries Service*, 512 F.2d 1189 (9th Cir., 1975), Executive Order 12291 and the Regulatory Flexibility Act, do not apply to this notice of the effectiveness and content of the regulations. Because there is no additional request of information from individuals, small businesses and other persons, this action does not increase the Federal paperwork burden under 44 U.S.C. 3501 *et seq.*

Dated: June 3, 1981.

Robert K. Crowell,
Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 301 is amended as follows:

1. The authority citation for Part 301 is revised to read as follows:

Authority: 5 UST 5; TIAS 2900; 16 USC 772-772j.

2. Part 301 is revised to read as follows:

PART 301—PACIFIC HALIBUT FISHERIES

Sec.	
301.1	Regulatory areas.
301.2	Commercial fishing for halibut.
301.3	Fishing seasons.
301.4	Closed periods.
301.5	Closed area.
301.6	Catch limits.
301.7	Size limits.
301.8	Licensing of vessels.
301.9	Requirements for halibut processors.
301.10	Fishing gear.

Sec.

- 301.11 Retention of tagged halibut.
 301.12 Supervision of unloading and weighing.
 301.13 Sport fishing for halibut.
 301.14 Previous regulations superseded.

Authority: 5 UST; TIAS 2900; 16 U.S.C. 772-772j.

§ 301.1 Regulatory areas.

(a) "Convention waters" means the waters off the west coasts of the United States and Canada, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which each Party exercises exclusive fisheries jurisdiction as of March 29, 1979. For purposes of this Convention, the "maritime area" in which a Party exercises exclusive fisheries jurisdiction includes without distinction areas within and seaward of the territorial sea or internal waters of that Party. All bearings are magnetic, unless otherwise stated, and all positions are determined by the most recent charts issued by the United States Coast and Geodetic Survey or National Ocean Survey.

(b) Area 2 includes all waters east of a line running north-west one-quarter west (312°) from Cape Spencer Light (latitude 58°11'57" N., longitude 136°38'18" W.), and south and east of a line running south one-quarter east (177°) from said light, and is subdivided as follows: Area 2A includes all waters off the coasts of California, Oregon, and Washington in which the United States claims exclusive fisheries jurisdiction; Area 2B includes all waters off the coast of British Columbia in which Canada claims exclusive fisheries jurisdiction; and Area 2C includes all waters off the coast of Alaska, that are south of Cape Spencer, in which the United States claims exclusive fisheries jurisdiction.

(c) Area 3 includes all waters north and west of Area 2 that are east of the meridian of 170° W., excluding the Bering Sea, and is subdivided as follows: Area 3A includes all waters between Area 2 and a line extending from the most northerly point on Cape Aklek (latitude 57°41'15" N., longitude 155°35'00" W.) to Cape Ikolik (latitude 57°17'17" N., longitude 154°47'18" W.), then along the Kodiak Island coastline to Cape Trinity (latitude 56°44'50" N., longitude 154°08'44" W.), then southeast by east one-quarter east (121°); Area 3B includes all waters between Area 3A and the meridian of 170° W.

(d) Area 4 includes all waters in the Bering Sea and all waters in the Gulf of Alaska west of the meridian of 170° W.

(e) The boundary between Area 3 and 4 is from Cape Kabuch Light (latitude 54°49'00" N., longitude 163°21'36" W.) to Cape Sarichef Light (latitude 54°36'00"

N., longitude 164°55'42" W.), then to a point in Pumicestone Bay on Unalaska Island (latitude 53°31'45" N., longitude 166°58'15" W.), then to Anangula (Ananiuliak) Island Light (latitude 52°59'48" N., longitude 168°55'06" W.), then to the point of intersection with the meridian of 170° W. on Chuginadak Island (latitude 52°49'42" N., longitude 170°00'00" W.); then true south.

§ 301.2 Commercial fishing for halibut.

The regulations and requirements in Section 3 to 12 pertain only to commercial fishing. The regulations for sport fishing are listed in Section 13.

§ 301.3 Fishing seasons

The fishing seasons for each Regulatory Area are shown in the following table and will apply, providing that the catch limits specified in Section 6 are not taken earlier.

Regulatory area	Fishing period	Opening date	Closing date
2A	1	June 7	June 21
	2	July 7	July 21
	3	Aug. 6	Aug. 20
	4	Sept. 5	Sept. 19
2B	1	May 7	May 22
	2	June 7	June 22
	3	July 7	July 22
	4	Aug. 6	Aug. 21
2C	1	June 7	June 14
	2	July 12	July 19
	3	Aug. 16	Aug. 29
	4	Sept. 19	Oct. 2
3B	1	June 7	June 20
	2	July 12	July 25
	3	Aug. 25	Sept. 7
	4	Sept. 26	Oct. 11
4	1	June 7	June 22
	2	July 14	July 29
	3	Aug. 20	Sept. 4
	4	Sept. 26	Oct. 11

(b) Notwithstanding the provisions of paragraph (a), if Area 3A is closed under the provisions of Section 6 during either the first or second fishing period and prior to attaining the catch limit in Area 3B, Area 3B will close on the same date. Area 3B will reopen on August 25 and continue on the schedule specified in paragraph (a) until the catch limit specified in Section 6 is attained.

(c) Notwithstanding the provisions of paragraph (a), if Area 3A is closed under the provisions of Section 6 prior to attaining the catch limit in Area 4, Area 4 will close on the same date. Area 4 will reopen for an additional fishing period 10 days after the closure of Area 3A and remain open until the catch limit specified in Section 6 is attained, or November 15, whichever is earlier.

(d) Each fishing period shall begin at 1500 hours and terminate at 0600 hours on the designated dates. All hours of opening and closing shall be Pacific Standard Time (see table on last page).

§ 301.4 Closed periods.

(a) All waters shall be closed to commercial halibut fishing except as provided in Section 3 and the retention and landing of any halibut caught during any closed period is prohibited.

(b) Except as provided in Section 10(c), these regulations shall not prohibit fishing for species of fish other than halibut during the closed periods, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall these regulations prohibit the International Pacific Halibut Commission, hereinafter referred to as "the Commission", from conducting or authorizing fishing operations for research purposes.

§ 301.5 Closed area.

All waters in the Bering Sea (Area 4) that are east of a line from Cape Sarichef Light to a point northeast of St. Paul Island (latitude 57°15'00" N., longitude 170°00'00" W.), and south of a line from the latter point to Cape Newenham (latitude 58°39'00" N., longitude 162°10'25" W.) are closed to halibut fishing and no person shall fish for halibut therein, or shall have halibut in his possession therein except in the course of a continuous transit across the area.

§ 301.7 Catch limits.

(a) The total allowable catch of halibut to be taken in Area 2 during the halibut fishing periods shall be limited to 9,000,000 pounds (4,082 metric tons). It shall be divided as follows: 200,000 pounds (91 metric tons) of the total allowable catch may be caught in Area 2A; 5,400,000 pounds (2,449 metric tons) of the total allowable catch may be caught in Area 2B; and 3,400,000 pounds (1,542 metric tons) of the total allowable catch may be caught in Area 2C.

(b) The total allowable catch of halibut to be taken in Area 3 during the halibut fishing periods shall be limited to 13,000,000 pounds (5,897 metric tons). It shall be divided as follows: 11,000,000 pounds (4,990 metric tons) of the total allowable catch may be caught in Area 3A; 2,000,000 pounds (907 metric tons) of the total allowable catch may be caught in Area 3B.

(c) The total allowable catch of halibut to be taken in Area 4 during the halibut fishing periods shall be limited to 1,000,000 pounds (454 metric tons).

(d) The Commission will determine and announce the dates on which the catch limits will be attained in each area. Fishing for halibut in the area will be prohibited after that date.

§ 301.7 Size limits.

(a) No person, firm, or corporation shall take or have in possession any halibut that with head on is less than 32 inches (81.3 centimeters) as measured in a straight line, passing over the pectoral fin, from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. If the head has been removed, a size limit of not less than 24 inches (61.0 centimeters) as measured from the base of the pectoral fin, at its most anterior point, to the extreme end of the middle of the tail shall apply (see illustration on back page).

(b) It is unlawful for any person while on a fishing vessel and engaged in commercial fishing to mutilate or otherwise disfigure a halibut in any manner which prevents determining the minimum size set forth in paragraph (a) of this section.

§ 301.8 Licensing of vessels.

(a) All vessels 5 net tons or over that fish for halibut with setline gear must be licensed by the Commission. Vessels of less than 5 net tons or vessels which use hook and line gear other than setlines do not need a Commission license. The Commission's license requirements do not obviate licensing requirements of State or Federal Governments.

(b) The halibut license must be carried on the vessel at all times and shall be subject to inspection by customs and fishery officers of the Governments of Canada or the United States, hereinafter referred to as "the Governments" or by representatives of the Commission.

(c) The halibut license shall be issued without fee by customs or fishery officers of the Governments or by representatives of the Commission. Halibut licenses need not be renewed except that a new license is required for a vessel that is sold, transferred, renamed, or redocumented.

(d) The captain or operator of any vessel licensed under these regulations that shall fish for halibut in Area 4 must obtain a vessel clearance which must be validated both prior to such fishing and prior to unloading any halibut. This vessel clearance and validation shall be obtained at Dutch Harbor, Alaska, from United States customs officers, or from fishery officers if there are no United States customs officers. This regulation does not apply to fishermen who are resident in Area 4, and who unload all of their catches at ports within Area 4.

(e) A halibut license shall not be valid for halibut fishing nor for possession of halibut in any area closed to halibut fishing except while in transit to an area open to halibut fishing, or to or within a port of sale. The license shall be invalid for the possession of halibut if the

licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing.

(f) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(g) No person on any vessel required to be licensed under subsection (a) shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued in conformity with the provisions of this section.

(h) The captain or operator of any vessel holding a license under these regulations shall keep an accurate log of all fishing operations including date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of two years and shall be open to inspection by authorized representatives of the Commission.

(i) The captain, operator, or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the Commission or by any officer of the Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.9 Requirements for halibut processors.

(a) All persons, firms, or corporations that buy halibut or receive halibut from fishing or transporting vessels or other carrier, shall keep records of each purchase or receipt of halibut, showing date, locality (statistical area), name of vessel, person, firm, or corporation purchased or received from, and the amount in pounds according to trade categories of the halibut.

(b) These records shall be retained for a period of two years and shall be open to inspection by officers of the Governments or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession of halibut known to have been taken in contravention of these regulations is prohibited.

§ 301.10 Fishing gear.

(a) Halibut are to be taken only with hook and line gear. The retention or possession of halibut taken with any other gear, such as nets or pots, is prohibited.

(b) The retention or possession of halibut is prohibited when any commercial fishing gear other than hook and line gear or nets used solely for the capture of bait are on board.

(c) No person or vessel that has deployed any longline fishing gear in any area of convention waters during the 72 hours immediately preceding the opening of any applicable halibut fishing period shall catch, retain, or possess halibut in convention waters prior to the opening of the succeeding halibut fishing period.

§ 301.11 Retention of tagged halibut.

Nothing contained in these regulations shall prohibit any vessel at any time from retaining and landing a halibut which bears a Commission tag at the time of capture, provided that the halibut with the tag still attached is reported at the time of landing and made available for examinations by representatives of the Commission or by officers of the State, Provincial, or Federal Governments.

§ 301.12 Supervision of unloading and weighing.

The unloading and weighing of halibut may be subject to the supervision of customs or other authorized officers to assure the fulfillment of the provisions of these regulations.

§ 301.13 Sport fishing for halibut.

(a) Sport fishing is permitted from March 1 to October 31, and may be conducted with no more than two hooks attached to a handline or rod, or by spear. Not more than two halibut of any size per person per day shall be caught, possessed, or landed from a vessel that is engaged in sport fishing. After two halibut have been taken by any person, those halibut shall be landed before that person takes more halibut on any succeeding day.

(b) No sport-caught halibut shall be possessed aboard a vessel when the fish or shellfish aboard said vessel are destined for commercial use (sale, trade, or barter).

§ 301.14 Previous regulations superseded.

These regulations shall supersede all previous regulations of the Commission. These regulations shall be effective each succeeding year, until superseded.

International Pacific Halibut Commission

Robert W. Schoning, Chairman
Michael Hunter, Vice Chairman
Neils M. Evans
William W. Gilbert
Donald McLeod
Peter C. Wallin

Approved by: The Governor-General of Canada, by Order-in-Council. The Secretary of State of the United States of America.

[FR Doc. 81-16920 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock and Yellowtail Flounder)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of adjustment in yellowtail flounder catch limitations.

SUMMARY: This notice increases the catch limitation (pounds per week or trip, whichever is the longer period) for the open fisheries for all vessels landing yellowtail flounder from the management area west of 69° W. longitude. This action is necessary to correct an inconsistency between the present catch limitations for open and closed fishery conditions and to resolve misreporting problems with catches and catch locations. This should enhance the reliability of reported catch statistics.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:

Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; or Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: 50 CFR 651.23 and Appendix B establish catch limitations for the commercial catching or landing of yellowtail flounder from each of two management areas (east of 69° W. longitude and west of 69° W. longitude). Section 651.23(f) gives the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), authority to adjust catch limitations for certain conservation and management purposes as specified in that section.

The Regional Director, Northeast Region, National Marine Fisheries Service (NMFS), has recommended that the catch limitation for yellowtail flounder west of 69° W. longitude be increased from the present 1,500 pounds per week or trip (whichever is the longer period) to 5,000 pounds per week or trip (whichever is the longer period), effective for all vessel classes. This action is necessary to resolve two fishery-related problems which are the result of the present catch limitation west of 69° W. longitude. The present catch limit of 1,500 pounds per week or trip west of 69° W. longitude for open fishery conditions potentially restricts total weekly catches for a vessel more than the 1,000 pounds per trip catch allowance under a fishery closure. This could occur during a closure when two or more 1,000 pound trips are completed within a week. By increasing the catch limitation for an open fishery, within limits established by the final regulations, the present inconsistency between catch limitations for open and closed fishery conditions will be resolved.

The second problem is due to the existence of different catch limits east and west of 69° W. longitude. The limit west of 69° W. longitude is 1,500 pounds per week or trip (whichever is the longer period), while the limit east of 69° W. longitude is 5,000 pounds per week or trip. This situation has resulted in misreporting by fishermen of catches and catch locations. Misreporting introduces error to the fishery data needed to assess the condition of yellowtail flounder stocks.

Appendix B to 50 CFR Part 651, which contains the catch limitations for the FCZ by species, management area, and vessel class, has been revised to conform with this action and is reprinted at the end of this document.

Classification

The Acting Administrator, NOAA, has determined that this action is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The Federal paperwork burden, as defined by 44

U.S.C. 3501 *et seq.*, is not increased for individuals and small businesses. Since this action implements existing regulations, a regulatory flexibility analysis, under 5 U.S.C. 601 *et seq.*, is not required. The environmental impact for this action was covered by the final environmental impact statement and supplements prepared for the fishery management plan for Atlantic groundfish and its amendments.

Signed at Washington, D.C., this 29th day of May 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 reads as follows.

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 651, Appendix B is revised to read as follows:

Appendix B—Catch Limitations

Vessel class	Gulf of Maine	Georges Bank and south
Cod (pounds per week) ¹		
Mobile gear:		
0-60 GRT	2,000	6,500
61-125 GRT	4,000	13,000
Over 125 GRT	5,500	15,000
Fixed gear	4,500	14,500
Haddock (pounds per week) ¹		
Mobile gear:		
0-65 GRT	5,000	7,000
61-125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear	16,000	16,000
Vessel class	West of 69° W. longitude	East 69° W. longitude
Yellowtail flounder: ²		
0-60 GRT	5,000	5,000
61-125	5,000	5,000
Over 125 GRT	5,000	5,000

¹ No overruns are allowed. A vessel is allowed to land on the larger of the limits from either management area.

² Pounds per week or per trip, whichever is the longer time period. No overruns are allowed. In no instance may a vessel land more than 5,000 pounds of yellowtail flounder from the FCZ per week or per trip, whichever is longer, regardless of whether that vessel fished east of 69° W., west of 69° W., or in both areas.

[FR Doc. 81-16926 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 46, No. 109

Monday, June 8, 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 Part 2

Rules of Practice for Domestic Licensing Proceedings; Modifications to the NRC Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering several amendments to its Rules of Practice to facilitate expedited conduct of its adjudicatory proceedings. These amendments would require a person seeking intervention in formal NRC hearings to set forth the facts on which the contentions are based and the sources or documents used to establish those facts, limit the number of interrogatories that a party may file on another party in an NRC proceeding, and permit the boards to require oral answers to motions to compel and service of documents by express mail. An alternative formulation of the amendments would also require an increased threshold showing in support of a contention as a prerequisite to admission for hearing.

DATES: Comment period expires on June 29, 1981. No requests for extensions of time will be granted.

ADDRESSES: All interested persons who desire to submit comments in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

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: In recent weeks the Commission has been examining its hearing process to determine if there are means to expedite the hearing process without reducing its quality or fairness. As a result of this review the Commission has sought comment on several proposed amendments to 10 CFR Part 2, the Commission's Rules of Practice (46 FR 17216, March 18, 1981) and issued a "Statement of Policy on the Conduct of Licensing Proceedings." The Commission is soliciting comments on the following additional changes to the Commission's Rules of Practice:

1. Intervention in NRC Proceedings

Formal administrative hearings are always conducted by NRC as part of its proceedings on applications for construction permits for nuclear power plants and frequently on applications for operating licenses and license amendments. Any member of the public whose interest may be affected by the proceeding is entitled to participate in NRC hearings under 10 CFR 2.714 and section 189a of the Atomic Energy Act (42 U.S.C. 2239a).

The Commission is concerned that its present intervention process is not satisfactorily serving the public's interest in efficient resolution of nuclear plant licensing issues. Trial-type hearings are generally acknowledged as best-suited for the resolution of contested factual issues. Thus, one means to more efficient decisionmaking is to reduce the possibility that time and resources may be expended by the parties and hearing tribunals in a proceeding on issues that do not involve material factual disputes. To this end, the proposed amendment seeks to relate the Commission's rules on intervention (10 CFR 2.714) more clearly and directly to the fact-oriented character of NRC licensing hearings. Under the proposal, a person who petitions to intervene and request a hearing would be required to set forth at the outset the facts on which the contention is based and the sources or documents used or intended to be used to establish those facts. This requirement would give other parties early notice of an intervenor's case so as to afford opportunity for an early motion for summary disposition where there is no factual dispute. The Commission

official designated to rule on intervention questions could dismiss or otherwise impose a sanction respecting any petition, request, or contention that is found not to satisfy the requirement.

The Atomic Energy Act of 1954, as amended (42 U.S.C. 2239a) provides that "the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding." Commission rules for intervention (10 CFR 2.714(b)) further provide that a person who petitions to intervene in a proceeding must later submit "a supplement to his petition to intervene which must include a list of contentions which petitioner seeks to have litigated * * * and the bases for each contention set forth with reasonable specificity." To participate as a party, the petitioner must advance at least one contention that satisfies this requirement. The requirement of a list of contentions was intended to serve as the mechanism by which a would-be intervenor informs the parties to the proceeding and the hearing tribunal of the issues upon which the intervenor wishes to be heard. The list of contentions, in turn, was intended to crystallize the question whether such issues are germane to matters properly within the scope of the proceeding as set out in the notice of hearing or notice of opportunity for hearing. Admitted contentions are included as matters in controversy in a proceeding and, thus, govern the scope of administrative discovery under 10 CFR 2.740(b)(1).

Under present practice, the Commission official designated to rule on intervention questions examines each contention to determine whether (1) the contention is stated with the requisite specificity, (2) the basis is adequately delineated, and (3) the issue sought to be raised is cognizable in an individual licensing proceeding. *Alabama Power Co.* (Joseph M. Farley Nuclear Plant, Units 1 and 2), ALAB-182, 7 AEC 210, 216-17 (1974).

The examination is limited to what appears within the four corners of the contention as stated. No inquiry is made into the merits of the contention. All that is required is that the petitioner "state his reasons (i.e., the basis) for his contention * * *." *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-590,

11 NRC 542, 548 (1980). The petitioner is under no obligation to demonstrate the existence of some factual support for a contention, as a precondition to its acceptance under 10 CFR 2.714. That obligation currently arises later in the proceeding, either in opposition to a motion for summary disposition filed by another party (10 CFR 2.749) or at the evidentiary hearing. ALAB-590 *supra*, 11 NRC at 549-51.

Under the proposed amendment, an interested person petitioning to intervene in an NRC licensing proceeding and requesting a hearing must set forth in the supplement required by 10 CFR 2.714(b) a concise statement of the facts supporting each contention together with references to the specific sources and documents which have been or will be relied on to establish such facts. Thus, the amendment would strengthen one of the purposes of the present rule, which is to give notice to the parties and the adjudicatory board of a would-be intervenor's concern, by also requiring notice of (1) the facts on which the concern is based, and (2) the sources or references which have been or will be used to establish those facts. References by title to lengthy or general studies and reports would not suffice. If, for example, the BEIR Report or the Reactor Safety Study is relied upon, specific portions of the document must be referenced.

The amendment would permit the staff or applicant to seek and the presiding NRC official to compel a more specific or definite statement if the would-be intervenor (1) fails to submit any facts, sources, or references at all, or (2) submits purported facts, sources, or references which are so vague as to give inadequate notice. The presiding officer would have the authority to impose appropriate sanctions against a person whose supplement failed to satisfy the proposed requirement, including the power to dismiss a contention. As under existing practice, a person who fails to file a supplement which satisfies the requirement with respect to at least one contention would not be permitted to participate as a party. See 10 CFR 2.714(b).

The proposed changes do not permit the NRC official authorized to rule on petitions for intervention to consider whether the facts, sources, or references contained in a supplement are legally sufficient to prove the contention. However, an obviously insufficient factual or evidentiary basis could prompt the staff or applicant to move early for summary disposition.

In recognition that one purpose of the contention process is to help frame the

scope of subsequent proceedings, an intervenor admitted to a proceeding would not be permitted, absent good cause, to seek or establish facts or rely on sources as to which notice was not given when the contention was admitted. However, an intervenor would not be limited to the facts, sources, and references identified in his supplement if he can show good cause such as, for example, newly discovered facts, sources, or references not reasonably available when the contention was admitted.

The Commission believes that the proposed amendment would not unlawfully restrict the intervention rights provided by the Atomic Energy Act of 1954 (42 U.S.C. 2239a) or the Administrative Procedure Act (5 U.S.C. 554-557). The amendment is intended to curtail an intervenor's right to participate only on those issues where the intervenor fails to identify the facts, sources, and references on which the intervenor has or will rely for the contention.

A member of the public has no absolute or unconditional right to intervene in a nuclear power plant licensing proceeding under the Atomic Energy Act. *BPI v. Atomic Energy Commission*, 502 F. 2d 424 (D.C. Cir. 1974). Section 189a of the Act which provides for intervention is subject to the Commission's rulemaking power under section 161p and, thus, to reasonable procedural requirements designed to further the purposes of the Act. *BPI v. Atomic Energy Commission*, *supra*, 502 F. 2d at 427, 428; see also *American Trucking Ass'n, Inc. v. United States*, 627 F. 2d 1313, 1320-23 (D.C. Cir. 1980). Furthermore, the right to intervention under section 189a for a member of the public is explicitly conditioned upon a "request." The proposed amendments would, in effect, provide that a "proper request" by a member of the public shall include a statement of the facts supporting each contention together with references to the sources and documents on which the intervenor relies to establish those facts. Finally, the Administrative Procedure Act creates no independent right to intervene in nuclear licensing proceedings. See *Easton Utilities Commission v. Atomic Energy Commission*, 424 F. 2d 847, 852 (D.C. Cir. 1970) (en banc); cf. *National Coal Operators' Assn. v. Kleepe*, 423 U.S. 388, 398-99, 46 L. Ed. 2d 580, 96 S. Ct. 809 (1976).

Comments also are requested on an alternative amendment to the rules on intervention that would impose additional requirements on persons

seeking to intervene in nuclear licensing hearings. In particular, would-be intervenors could not have a contention admitted for hearing under the alternative formulation if the documents and other information submitted fail to demonstrate that there exists a genuine issue of material fact to be heard. The NRC official authorized to rule on intervention matters could use his or her technical knowledge in deciding whether a genuine issue of fact exists. Further, the alternative amendment would require the facts asserted in support of a contention to be sufficient to state a *prima facie* case. Finally, a contention raising only an issue of law would not be admitted for hearing but, rather, would be decided on the basis of briefs and/or oral argument in accordance with procedures to be established by the NRC presiding officer.

2. Limit on Interrogatories

Currently, parties to NRC proceedings may file interrogatories on the other parties without any specific limit. The Commission is requesting comment on a proposed rule which would provide that unless leave to file additional interrogatories is granted by a licensing board, parties may not file more than 50 interrogatories on another party in a single NRC proceeding. This rule would apply to all NRC proceedings including hearings on construction permit and operating license applications, license amendment proceedings, antitrust hearings, and enforcement proceedings. For purposes of the rule, in determining what constitutes an interrogatory, each subpart of a question (whether or not designated as such) would be considered as an interrogatory, except that requests for supporting reasoning relied upon or the name of a witness who will testify on a matter covered by an interrogatory response will not count as separate interrogatories. The rule would be applied in NRC proceedings prospectively. Thus, regardless of how many interrogatories a party has filed prior to the effective date of the rule, it could still file an additional 50 interrogatories on each party if the period for discovery has not been closed.

The Board may grant requests to file interrogatories exceeding the limit set forth in the rule if it determines that: (a) a response to the extra interrogatories is essential for the party to adequately prepare its case, taking into account the number of contentions in the proceeding, the complexity of issues, and timing of issuance and number of staff/applicant documents; (b) the information sought is

not otherwise reasonably available; and (c) the party was not improvident in its overall use of its first 50 interrogatories. This rule is designed to alleviate strains placed on the resources of the participants in NRC proceedings when an inordinate number of interrogatories are filed. In recent years, more than 20 United States district courts have adopted rules which similarly limit the number of interrogatories that may be filed on a party without leave of the court.

Even if this rule is adopted, the NRC staff would continue its practice of voluntarily making pertinent staff documents available to the public, and responding to requests for production of documents under 10 CFR 2.741 and the Freedom of Information Act.

3. Motions to Compel Discovery

Under the Commission's current regulations, parties may file responses to motions to compel. To expedite NRC proceedings, the Commission is proposing amendments to its regulations which would provide the Boards with the discretion to order that the responses be made orally in a conference telephone call or other prehearing conference, rather than in writing.

4. Service

The Commission is also proposing to permit its licensing boards to require service of documents by express mail (next day delivery). Currently, the Commission's rules provide five days for service of documents. Use of express mail in limited circumstances could reduce this time to two days.

The Commission would expect express mail delivery to be required only in those proceedings where it appears that construction of a facility may be finished prior to the completion of the operating license proceedings, or other similar circumstances where expedition is especially important. Because of the expense of express mail delivery, parties should be required to use that form of service only on those parties who are required to respond to the pleading being served. For example, a party may be required to file interrogatories on a party by express mail, but should not be required to express mail copies of the interrogatories to the Board or to the parties to the proceeding which are not being asked to respond to the interrogatories. Alternatively, if a party prefers not to use express mail, when so ordered by the Board, it could use first class mail and file its document three days earlier.

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.

Proposed Regulatory Changes

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 that adoption of the following amendments to 10 CFR Part 2 are contemplated.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. *Option A:* In § 2.714, paragraph (b) is revised to read as follows:

§ 2.714 Intervention.

(b) Not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, or where no special prehearing conference is held, fifteen (15) days prior to the holding of the first prehearing conference, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. The supplement must set forth a concise statement of the facts supporting each contention together with references to the specific sources and documents and portions thereof which have been or will be relied upon to establish such facts. A petitioner who fails to file such a supplement which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party. Additional time for filing the supplement may be granted based upon a balancing of the factors in paragraph (a)(1) of this section.

Option B: In § 2.714, paragraph (b) is revised to read as follows:

§ 2.714 Intervention.

(b)(1) Not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, or where no special prehearing conference is held, fifteen (15) days prior to the holding of the first prehearing conference, the petitioner shall file a supplement to his petition to intervene

which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity. The supplement must set forth a concise statement of the facts supporting each contention together with references to the specific sources and documents and portions thereof which have been or will be relied upon to establish such facts. A petitioner who fails to file such a supplement which satisfies the requirements of this paragraph with respect to at least one contention will not be permitted to participate as a party. Additional time for filing the supplement may be granted based upon a balancing of the factors in paragraph (a)(1) of this section.

(2) A contention shall not be admitted for hearing if the documents and other information submitted under paragraph (1) of this subsection fail to demonstrate that there is a genuine issue of material fact to be heard. In particular, failure to make such a submission or vagueness of the contention is sufficient ground for rejection.

(3) In making the decision as to whether a genuine issue of material fact exists, the members of the Boards may use their technical knowledge to judge the merit of the contention.

(4) A contention raising only an issue of law shall be decided on the basis of briefs or oral argument in accordance with procedures to be established by the presiding officer or the Board.

(5) A contention shall not be admitted if the facts asserted are legally insufficient to support the contention or if the contention is immaterial or irrelevant to the proposed action which is before the presiding officer or the Board.

2. Section 2.710 is revised to read as follows:

§ 2.710 Computation of time.

In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday at the place where the action or event is to occur, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon by mail, five (5) days shall be added to the prescribed period. Only two (2) days

shall be added when a document is served by express mail.

3. In § 2.712, paragraph (c) is revised to read as follows:

§ 2.712 Service of papers, methods, proof.

(c) How Service may be made. Service may be made by personal delivery, by first class, certified or registered mail including air mail, by telegraph, or as otherwise authorized by law. Where there are numerous parties to a proceeding, the Commission may make special provision regarding the service of papers. The presiding officer may require service by express mail.

4. In § 2.720, paragraph (h)(2)(ii) is revised to read as follows:

§ 2.720 Subpoenas.

(h) * * *

(ii) In addition, a party may file with the presiding officer written interrogatories to be answered by NRC personnel with knowledge of the facts designated by the Executive Director for Operations. Upon a finding by the presiding officer that answers to the interrogatories are necessary to a proper decision in the proceeding and that answers to the interrogatories are not reasonably obtainable from any other source, the presiding officer may require that the staff answer the interrogatories. The limits on the number of interrogatories that may be served on a party pursuant to § 2.740b apply to the staff.

5. In § 2.730, paragraph (h) is added which reads as follows:

§ 2.730 Motions.

(h) Where the motion in question is a motion to compel discovery under this section or § 2.740(f), parties may file answers to the motion pursuant to paragraph (c) of this section. The Board, in its discretion, may order that the answer be given orally during a telephone conference or other

prehearing conference, rather than in writing.

6. In § 2.740b, paragraph (c) is added which reads as follows:

§ 2.740b Interrogatories to parties.

(c) No party may file more than fifty (50) interrogatories on another party during the course of the proceeding, unless leave to do so is granted by the presiding officer. For purposes of this section each subpart of a question (whether or not designated as such) is considered as an interrogatory, except that requests for supporting reasoning relied upon or the name of a witness who will testify on a matter covered by an interrogatory response will not count as separate interrogatories. The Board will grant leave to file additional interrogatories if it determines that: (1) response to the extra interrogatories is essential for a party to prepare adequately its case, taking into account the number of contentions in the proceeding, the complexity of issues, and timing of issuance and number of staff/applicant documents; (2) the information sought is not otherwise reasonably available; and (3) the party was not improvident in its overall use of its first 50 interrogatories.

Dated at Washington, D.C. this 3rd day of June, 1981.

For the Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 81-16871 Filed 6-5-81; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-10]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before: August 10, 1981.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on June 2, 1981.
Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
21595	Irwin Diamond	Amend 14 CFR 121.538(a) to delete the following language: "remove all X-ray and scientific film from their carry-on baggage and items before inspection. If the X-ray system exposes any carry-on baggage or item to more than one milliroentgen during the inspection, the certificate holder shall post a sign which advises passengers to remove film of all kinds from their carry-on baggage and items before inspection" and insert in lieu thereof the following: "remove all film from their carry-on baggage and items before inspection. The certificate holder shall post a sign which advises passengers that 'This X-ray machine is not film safe' or in the alternative that 'X-ray inspection may affect ordinary undeveloped film.'" The petitioners state that the signs are inaccurate, untruthful, misleading, and contrary to scientific fact and personal experience of travelers in that the X-ray machine even if they expose ordinary undeveloped film to one-half of one milliroentgen of radiation can damage the film either through one dose of radiation or the cumulative effect of several inspections.
21571	Bernard M. Diamond, M.D.	Amend § 23.1447 adding para. (a)(5) "A nasal cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen dispensing unit (mask) covering the nose and mouth." This rule change will give users an optional method to comply with oxygen breathing requirements on aircraft.
21668	Air Polynesia, Inc.	Amend § 145.71 to remove that portion of the regulation that states, "if the Administrator finds that the station is certified foreign repair stations to work on any U.S.-registered aircraft outside the United States" and § 145.73(a) to allow domestic operators being authorized to use FAA-approved foreign repair stations is outmoded. Many foreign repair stations are highly competent, and the fortuity of whether an aircraft operates partly or wholly outside the United States should not determine what FAA repair facilities it can use.

Petitions for Rulemaking: Denied

Docket No.	Petitioner	Description of the rule requested
None this period.		

[FR Doc. 81-2685 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ACE-8]

Transition Area, Boonville, Missouri;
Proposed AlterationAGENCY: Federal Aviation
Administration (FAA), DOT.ACTION: Notice of proposed rulemaking
(NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Boonville, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Jesse Viertel Memorial Airport, utilizing the Hallsville VORTAC as a navigational aid.

DATE: Comments must be received on or before July 18, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures, and Airspace

Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before July 18, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular

No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Boonville, Missouri. To enhance airport usage, an additional instrument approach procedure to the Jesse Viertel Memorial Airport is being established, utilizing the Hallsville VORTAC as a navigational aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Boonville, Missouri, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following transition area:

Boonville, Missouri

That airspace extending upwards from 700 feet AGL within a 5-mile radius of the Jesse Viertel Memorial Airport (Latitude 39°56'50" N, Longitude 92°41'19" W) and within 4 miles

each side of the 249° radial of the Hallsville VOR, from the 5-mile radius area to 19 miles SW of the Hallsville VOR, and within 3 miles each side of the 012° bearing from the Jesse Viertel Airport, extending from the 5-mile radius area to 8 miles north of the airport. (Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

Issued in Kansas City, Missouri, on May 28, 1981.

James O. Robinson,
Acting Director, Central Region.

[FR Doc. 81-16900 Filed 6-5-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWA-6]

Proposed Alteration of VOR Federal Airway

Corrections

In FR Doc. 81-15025 appearing on page 27719 in the issue of Thursday, May 21, 1981; the heading should have appeared as set forth above, and on page 27720, second column, the sixth line from the bottom of the page, should have read as set forth below: "214°T (229°M) radials; Lebanon; to"

BILLING CODE 1505-01-M

Coast Guard

33 CFR Part 117

[CGD 81-034]

Drawbridge Operation Regulations; Passaic River, N.J.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Bergen County, New Jersey, the Coast Guard is reconsidering changing the regulations governing the Union Avenue drawbridge across the Passaic River, mile 13.2, Rutherford. The draw is presently

required to open on signal. The draw would continue to open on signal from 8 a.m. to midnight and would require at least eight hours notice from midnight to 8 a.m. This proposal is being made because of a steady decrease in requests for nighttime openings. This change would relieve the County of the responsibility of providing full-time drawtenders and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before July 23, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 8 a.m. to 4:30 p.m., Monday through Friday, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, New York, New York 10004 (212-668-7165).

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Aids to Navigation Branch, Third Coast Guard District, Bldg. 135A, Governors Island, New York, New York 10004 (212-668-7165).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting views, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed envelope or postcard. The Commander, Third Coast Guard District, will evaluate all communications and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this rule are: Richard A. Gomez, Project Manager, and Lieutenant Bruce H. Tobey, Project Attorney, Third Coast Guard District.

Discussion of Proposed Rule

An advance notice of proposed rulemaking was published in the Federal Register of April 14, 1980 (45 FR 25082), concerning changes to the operation regulations for the Union Avenue drawbridge, as well as those for the Jackson Street, Bridge Street, and Clay Street drawbridges across the Passaic River. Substantial opposition was expressed by the waterway users and it was decided to withdraw the proposals for the Jackson, Bridge, and Clay Street drawbridges. However, after reexamination, it was felt that the

affected public should have the opportunity to comment on the Union Avenue drawbridge alone because there are relatively few openings during the proposed period.

The monthly number of openings from midnight to 8 a.m. have significantly decreased from 13 in 1976 to seven in 1977, five in 1978, 2.5 in 1979, and an average of 1.5 for the first nine months of 1980. The proposal would therefore have no more than a minimal impact on vessels. By eliminating the need for drawtenders to be stationed on the bridge from midnight to 8 a.m., the proposal would benefit Bergen County.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 dated May 22, 1980). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed that Part 117 of Title 33, Code of Federal Regulations, be amended as set forth below:

1. By redesignating Subdivisions (v), (vi) and (vii) of § 117.200(a)(4) as Subdivisions (vi), (vii) and (viii), respectively.

2. By adding a new § 117.200(a)(4)(v) to read as follows:

§ 117.200 Newark Bay, Passaic and Hackensack Rivers, N.J. and their navigable tributaries; bridges.

(a) * * *

(4) * * *

(v) Union Avenue bridge at Rutherford, mile 13.2, Passaic River. The draw shall open on signal from 8 a.m. to midnight. From midnight to 8 a.m., the draw need open only if at least eight hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: May 4, 1981.

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

[FR Doc. 81-16900 Filed 6-5-81; 8:45 am]
BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[A-9-FRL-1839-3]

**California; Southeast Desert Air Basin
Nonattainment Area Plan; Approval
and Promulgation of Implementation
Plans****AGENCY:** Environmental Protection
Agency.**ACTION:** Notice of proposed rulemaking.

SUMMARY: Revisions to the California State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) by the Governor's designee. These revisions consist of a Control Strategy and regulations for the Southeast Desert Air Basin (SEDAB) and constitute the Nonattainment Area Plan (NAP) for ozone (O₃). This air basin includes Imperial County and portions of the following counties: Los Angeles, Riverside and San Bernardino. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas" for this air basin.

The Imperial County portion of the SEDAB Control Strategy is not addressed in this notice but is discussed in the November 10, 1980 Federal Register notice (45 FR 74480).

The EPA invites public comments on these revisions, the identified deficiencies, the suggested corrections and associated proposed deadlines, and whether they should be approved, conditionally approved, or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATE: Comments may be submitted up to July 8, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn.: Air & Hazardous Materials Division Air Programs Branch, SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revision and EPA's associated Evaluation Report are contained in document file NAP-CA-10 (Southeast Desert Air Basin), and are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Public Information Reference Unit,
Room 2404 (EPA Library), 401 M
Street, SW, Washington, D.C. 20460

In addition, copies of the applicable nonattainment area plan are available at the following locations:

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

Southern California Association of Governments, 600 S. Commonwealth Avenue, Los Angeles, CA 90005

San Bernardino County Air Pollution Control District, 1111 E. Mill Street, Bldg. #1, San Bernardino, CA 92401

Los Angeles County Air Pollution Control District, 500 W. Temple Street, Los Angeles, CA 90012

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, SIP Section, Air Programs Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX (415) 556-2938.

SUPPLEMENTARY INFORMATION:**EPA Proposed Actions**

The NAP for the Southeast Desert Air Basin portion of Los Angeles, Riverside and San Bernardino Counties has been evaluated for conformance with Part D of the Clean Air Act.

This notice provides a description of the NAP, summarizes the applicable Clean Air Act requirements, compares the NAP to those requirements, and proposes approval or conditional approval for each portion of the NAP.

The following portions of the SEDAB NAP for ozone for Los Angeles, Riverside and San Bernardino Counties have been determined to be consistent with Part D and are proposed to be approved and incorporated into the SIP: Emission inventory, modeling, emission reduction estimates, attainment provision, reasonable further progress, legally adopted measures (Riverside only), emissions growth, annual reporting, resources, public and government involvement, and public hearing requirements.

The following portions of the NAP for ozone contain minor deficiencies with respect to Part D and are proposed to be approved and incorporated into the SIP, with the condition that each deficiency be corrected by a specified deadline: legally adopted measures (except Riverside) and permit program.

Approval or conditional approval of all portions of the NAP for these counties would be sufficient to lift the current prohibition on construction of certain major new or modified sources in these nonattainment areas. This prohibition is required by the Clean Air Act and is discussed in detail in the July

2, 1979 Federal Register notice (44 FR 38471).

EPA is proposing in this notice to conditionally approve the Los Angeles, Riverside and San Bernardino portions of the SEDAB NAP for ozone. Upon final rulemaking action, conditional approval would be sufficient to lift the construction prohibition in this nonattainment area with respect to ozone.

Background

New provisions of the Clean Air Act, amended in August 1977, Pub. L. No. 95-95, require States to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the attainment status for all areas within the state. The Administrator promulgated these lists with certain modifications, on March 3, 1978 (43 FR 8962), and November 16, 1979 (44 FR 65986). State and local governments were required to develop, adopt and submit revisions to their SIP for nonattainment areas, by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for attainment of the NAAQS as expeditiously as practicable.

On April 4, 1979 (44 FR 20372), EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. In addition, EPA published Supplements to the General Preamble on July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761 and 67182). The General Preamble supplements this notice by identifying the major considerations that will guide EPA's evaluation of the plan submittal.

The SEDAB portion of the Los Angeles, Riverside and San Bernardino Counties are all designated nonattainment for the primary standard for ozone and total suspended particulate matter (TSP). Imperial County is designated nonattainment for ozone.

On February 14, 1980 the Air Resources Board requested that SEDAB be redesignated from "nonattainment" to "unclassified" for TSP, in which case TSP plans would not be required. The redesignation request will be addressed in a separate Federal Register notice. However, regardless of the final outcome of the redesignation request, the present designation remains in effect until EPA promulgates a revised designation. Until then, an approvable TSP control strategy is required before requirements of Part D of the Clean Air Act, as amended in 1977, can be met.

Description of Proposed SIP Revision

On February 22, 1980 the California Air Resources Board (ARB) submitted the SEDAB ozone Control Strategy (Chapter 19) to EPA as a revision to the California SIP. The Los Angeles County and San Bernardino County portions of the control strategy were prepared by the Air Resources Board staff. The South Coast Air Quality Management District (SCAQMD) staff prepared the Riverside County portion of the Control Strategy with the assistance of the Southern California Association of Governments (SCAG).

The SEDAB Control Strategy is comprised mainly of four local nonattainment area plans (including the Imperial County plan) and the corresponding ARB resolutions. The plans for the three counties addressed in this notice, consist of the following major components:

- A basic description of the nonattainment area including topography, air monitoring network, and air quality standards;
- An emission inventory identifying emission source categories and their estimated present and, in some cases, projected emissions;
- A discussion of the specific control strategies selected from the listing of potential control measures and incorporated into the plan including their description, implementation, and impact;
- An identification of resources as they apply to the selected control strategies; and
- A discussion of the public participation, intergovernmental consultation, and continuing planning processes.

The ARB Resolutions provide the following information for the Southeast Desert Air Basin:

- The attainment/nonattainment designation for each area pollutant and consequent schedule for the review, adoption and approval of the SIP revision.
- A summary of each locally adopted NAP which includes a discussion of the control strategy and requirements for an adequate nonattainment plan, and a summary of findings and recommended ARB action.

The locally adopted plans indicate that attainment by 1982 of the ozone standard in Los Angeles, San Bernardino and Riverside is not possible despite the implementation of all reasonably available control measures. An extension of the ozone attainment date until no later than December 31, 1987 has been requested. The control measures described in the plan include:

- A program to ensure that new industrial sources do not add to the air pollution problem in the basin;
- Controls on the use of products which contain organic solvents;
- Controls to limit emissions from petroleum handling operations;
- Mobile source controls;
- Stationary source controls.

In addition to those portions of the February 22, 1980 submittal described above, this notice considers the following amendments to the Los Angeles and San Bernardino County rules and regulations submitted to EPA on the indicated dates as revisions to the SIP by the Governor's Designee. These rules supplement the Control Strategy.

San Bernardino County

May 23, 1979

- Rule 442 Usage of Solvents
 - Rule 463 Storage of Organic Liquids
 - Rule 1113 Architectural Coatings
- September 5, 1980

Regulation XIII—New Source Review

- Rule 1301 General Requirements
 - Rule 1302 Definitions
 - Rule 1303 Applicability and Analysis
 - Rule 1304 Exemptions from Regulation XIII
 - Rule 1305 Special Permit Provisions
 - Rule 1306 Emission Calculations
 - Rule 1307 Emission Offsets
 - Rule 1308 Eligibility of Emission Offsets
 - Rule 1310 Analysis, Notice, and Reporting
 - Rule 1311 Power Plants
 - Rule 1313 Permits to Operate
- November 28, 1980

Rule 67 Fuel Burning Equipment (Deletion)

December 15, 1980

- Rule 461 Gasoline Transfer and Dispensing
- Rule 462 Organic Liquid Loading

Los Angeles County

September 5, 1980

Regulation XIII—New Source Review

- 1301 General
- 1302 Definitions
- 1303 Applicability and Analysis
- 1304 Exemptions from Regulation XIII
- 1305 Special Permit Provisions
- 1306 Emission Calculations
- 1307 Emission Offsets
- 1308 Eligibility of Emission Offsets
- 1310 Analysis, Notice and Reporting
- 1311 Power Plants
- 1313 Permits to Operate

This notice also considers the addition of the SEDAB portion of Riverside County into the SCAQMD as a revision to the SIP. This revision was submitted to EPA on August 11, 1980 by the ARB. The effect of the proposed revision is to make all the SCAQMD rules applicable throughout Riverside County.

Criteria for Approval

The following list summarizes the basic requirements for nonattainment area plans. The citations which follow, referring to portions of the Clean Air Act, provide the bases for those requirements.

1. An accurate inventory of existing emissions (172(b)(4)).
2. A modeling analysis indicating the level of control needed to attain by 1982 and in the case of an extension request, by 1987 (172(a)).
3. Emission reduction estimates for each adopted control measure (172(a)).
4. A provision for expeditious attainment of the standards (172(a)).
5. Provisions for reasonable further progress as defined in Section 171 of the Act (172(b)(3)).
6. Adoption in legally enforceable form of all measures necessary to provide for attainment or, in certain circumstances where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures (172(b)(2)(8) and (10)).
7. An identification of an emissions growth increment (172(b)(5)).
8. Provisions for annual reporting with respect to items (5) and (6) above (172(b)(3) and (4)).
9. A permit program for major new or modified sources (172(b)(6) and 173).
10. An identification of and commitment to the resources necessary to carry out the plan (172(b)(7)).
11. Evidence of public, local government, and State involvement and consultation (172(b)(9)).
12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing (172(b)(1)).
13. For carbon monoxide and ozone SIP revisions that provide for attainment of the primary standard later than 1982:
 - a. A permit program for major new or modified sources requiring an evaluation of alternative sites and consideration of environmental and social costs (172(b)(11)(A)).
 - b. A provision for implementation of all reasonably available control measures for mobile and transportation sources (172(a)(2)).
 - c. A commitment to establish, expand, or improve public transportation to meet basic transportation needs (110(a)(3)(D) and 110(C)(5)(D)).
 - d. In addition to the above, for major urbanized areas, a specific schedule and legal authority for implementation of a vehicle emission control inspection and maintenance program (172(b)(11)(B)).

14. For ozone nonattainment areas requiring an extension beyond 1982, the revision must also provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) stationary sources for which EPA has published a Control Techniques Guideline by January 1978, and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines (172(a)(2)). For rural areas (and urban areas that demonstrate attainment by 1982), only large sources (more than 100 tons/year emissions) must be so regulated.

Discussion

The paragraph numbers below correspond to the Part D Nonattainment Area Plan (NAP) requirements discussed in the preceding section, Criteria for Approval. In this section the word "plan(s)" means the overall SEDAB NAP or portions of the NAP, specific to certain area(s). EPA policy for approval of ozone NAPs submitted as 1979 SIP revisions differentiates between rural and urban ozone nonattainment areas and is discussed in the General Preamble. Based on the definition of rural areas and the policy, the ozone plans for the Los Angeles, San Bernardino and Riverside County nonattainment area portions of the Southeast Desert Air Basin have been reviewed against the rural requirements. As referenced in the General Preamble, EPA's minimum requirements for an approvable 1979 rural nonattainment area plan do not require that all of the fourteen Criteria for Approval listed above be fully met. Each criterion is discussed in depth below. Where a plan deficiency is identified, recommendations for revision of the plan are specified. As noted in the Summary section, EPA reviewed the ozone plans for conformance with the criteria and, in this section, identifies the portions of the plans that (1) are approvable, or (2) are conditionally approvable.

1. *Emission Inventory.* The ozone plans for the Los Angeles, San Bernardino and Riverside County portions of the Southeast Desert Air Basin (hereinafter termed the three County plans) each include an emission inventory for hydrocarbons (HC) for the base year 1976. The Los Angeles and San Bernardino County plans identify emission source categories and their estimated emissions for the base year and projected emissions for 1982 and 1987. The Riverside County plan identifies emission source categories

and their estimated emissions for the base year only.

The base year HC inventories for the three County plans appear to be reasonably comprehensive, current and accurate and EPA therefore proposes to approve this portion of the three County plans.

2. *Modeling.* None of the three County plans contains an air quality modeling analysis that allows calculation of emission reductions needed to project attainment of the 0.12 parts per million primary ozone standard by 1982. However, as referenced in the General Preamble for Proposed Rulemaking (44 FR 20376), EPA policy does not require a specific demonstration of attainment by rural ozone areas in the 1979 SIP revisions. Therefore, absence of such model is not considered a deficiency and EPA proposes to approve this portion of the three County plans.

3. *Emission Reduction Estimates.* Emission reduction estimates are not provided for all HC control measures contained in the three County plans. However, since EPA policy does not require a specific demonstration of attainment by rural ozone areas in the 1979 SIP revisions, the absence of emission reduction estimates for each adopted or scheduled control measure or for related groups of control measures is not considered a deficiency and EPA proposes to approve this portion of the three County plans.

4. *Attainment Provision.* The three County plans do not quantitatively provide for attainment of the primary ozone standard by the statutory dates. However, EPA policy for rural O₃ areas does not require a specific demonstration of attainment. Thus, EPA proposes to approve the ozone attainment portion of the three County plans.

5. *Reasonable Further Progress.* The three County plans do not contain a demonstration of reasonable further progress for attainment of the ozone standard. As referenced in the General Preamble, the 1979 ozone SIP revision for rural areas need not provide for annual incremental reductions in emissions which would demonstrate reasonable further progress. Thus, EPA proposes to approve this portion of the three County plans.

6. *Legally Adopted Measures.* On August 11, 1980, the State submitted, as a revision to the SIP, Riverside County Resolution 79-362 which adds the eastern portion of Riverside County which is in the SEDAB, into the South Coast Air Quality Management District (SCAQMD). The effect of this proposed revision is to make all the SCAQMD rules applicable throughout Riverside

County. The State also provided documentation necessary to confirm that this action took place pursuant to State law. EPA proposes to include this revision into the SIP and therefore proposes to approve this portion of the SEDAB NAP for Riverside County. Because the SCAQMD rules are, on the whole, more stringent than the current federally enforceable rules in Riverside (SEDAB portion), EPA proposes to include this revision into the SIP.

Volatile Organic Compounds (VOC) Rules. For rural ozone nonattainment areas such as the SEDAB, the plans must include adopted, legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those major stationary source categories (i.e., those with over 100 tons/year potential emissions) for which EPA has published a Control Technique Guideline (CTG) document. In addition, the three County plans must contain a commitment to adopt RACT regulations for major sources in categories to be addressed by future CTG documents.

The CTG's provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT, based on EPA's current evaluation of the capabilities and problems general to an industry. The State may develop case-by-case RACT requirements, independent of EPA's recommendation, for any source or groups of sources. Therefore, the basis for an EPA decision to approve a regulation as satisfying the requirements of the Act for RACT consists of the applicable CTG document, any material which must be submitted by the State justifying that the regulation satisfies the requirements of the Act for RACT (based on the economic and technical circumstances of the particular sources being regulated), and public comment on the submitted regulation and supporting material.

The three County plans indicate that of the 15 source categories (addressed by 11 CTG documents) for which adopted regulations are required, six exist in the San Bernardino and Riverside County nonattainment area portion of the SEDAB, and five exist in the Los Angeles County portion.

The source categories which exist in the three County nonattainment area portion of the SEDAB include service stations, bulk plants, bulk terminals, degreasing operations, and cutback asphalt; in addition, fixed-roof tanks exist as a source category in the San Bernardino and Riverside County

nonattainment area portion of the SEDAB. The following regulations were submitted by the State on the dates show, in response to the requirements for RACT:

Los Angeles County Plan (Los Angeles Air Pollution Control District rules)

No new rules submitted

San Bernardino County Plan (San Bernardino Air Pollution Control District rules)

Rule 463 Storage of Organic Liquids (submitted May 23, 1979)

Rule 461 Gasoline Transfer and Dispensing
Rule 462 Organic Liquid Loading (submitted December 15, 1980)

Riverside County Plan. SCAQMD Rule 462, Rules 1108 and 1108.1, Rule 461, and Rule 1122, were evaluated relative to nonattainment area plan requirements and incorporated into the SIP in a separate Federal Register Notice (46 FR 5965, January 21, 1981).

The following regulations are currently part of the approved State Implementation Plan (SIP) for the air pollution control districts (APCD) listed below. These regulations have also been evaluated, since they contain control requirements for some of the above-noted source categories:

Los Angeles County Plan (LA-APCD rules)

Rule 462 Organic Liquid Loading (submitted June 6, 1977)

Riverside County Plan (SCAQMD rules)

Rule 463 Storage of Organic Liquids (submitted November 4, 1977)

EPA has reviewed the submitted regulations and the previously-approved regulations listed above in relation to the respective CTG for each of the categories. Based on the information in the CTGs, EPA believes that the regulations are adequate to fulfill the requirements for RACT for service stations, bulk plants and bulk terminals. In addition, EPA believes the regulations are adequate to fulfill the requirements for RACT for degreasing, cutback asphalt and fixed-roof tanks in Riverside County.

The present SIP submittal does not indicate that all regulations have been adopted for all of the necessary reasonably available control technology (RACT) for volatile organic compound (VOC) sources. Specifically, regulations have not been submitted in legally enforceable form for inclusion in the SIP for cutback asphalt operations or solvent metal degreasing for the Los Angeles and San Bernardino County plans and therefore these plans do not satisfy the requirements of Sections

172(b)(2) and (b)(3) of the Clean Air Act. The State has, however, submitted model rules applicable to each of these source categories. The State has requested that EPA regard the model rules as "draft rules," and review each of these rules for consistency with EPA statutory requirements. Based on the information in the CTGs, EPA believes the model rules contain control requirements sufficient to fulfill the requirement for RACT. However, the plans may not be fully approved until adopted rules are submitted (or the State certifies that no major sources exist). If the State submits adopted regulations which are similar and equivalent to the model rules, the regulations for the above mentioned categories would be approvable, and would fulfill the requirements for RACT for these source categories. EPA may proceed to final rulemaking upon receipt of such adopted regulations without further notice to the public.

As stated above, the three County plans must contain a commitment to adopt VOC RACT regulations for source categories to be covered by future CTG documents. The plans contain a resolution committing to implement all other reasonably available control measures needed to attain the standard as expeditiously as practicable. It is concluded that this commitment is adequate.

San Bernardino and Riverside Counties have fulfilled the requirement for floating roof tanks by submission of the rules described above which also regulate fixed-roof tanks. The Los Angeles County Plan indicates it has no floating roof tanks.

The Los Angeles County plan contains a commitment to adopt a control measure for architectural coatings. Although this source category has not been addressed by the CTG documents published by EPA as of January 1978, the State has found this measure to be appropriate, enforceable and reasonably available to regulate emissions from this source category. Therefore, EPA proposes to approve and incorporate this commitment into the SIP.

The State has also submitted the following regulations which implement control tactics included in the San Bernardino County plan on May 23, 1979:

Rule 442 Usage of Solvents
Rule 1113 Architectural Coatings

These regulations should be approved for inclusion in the SIP, since they will strengthen the SIP.

The legally adopted measures portion of the three County plans is proposed to

be approved with the following condition:

Los Angeles County Plan

San Bernardino County Plan

State submittal to EPA 90 days following notice of final rulemaking of one of the following: (a) certification that there are no major sources of cutback asphalt or degreasing operations in the Los Angeles or San Bernardino County portions of the SEDAB; or (b) adopted regulations which represent RACT. Adopted regulations which are similar and equivalent to the model rules would satisfy this condition.

All submitted regulations are to contain emission limitations, schedules of compliance, and other items necessary to meet Part D requirements for rural areas.

40 CFR Part 52

In addition to the proposed rulemaking action, the following Federally promulgated regulations from the Code of Federal Regulations, 40 CFR Part 52, are proposed to be rescinded or amended because they have been replaced by a revised set of control measures or regulations contained in the three County plans, and/or they have been invalidated by previous legal action:

Los Angeles County—Southeast Desert Air Basin

A. 52.233 *Review of new sources and modifications*. Subparagraphs (d)(8)(i) and (g)(ix)(a) are proposed to be rescinded. Also, subparagraphs (h), (i), and (j) have been invalidated by the Clean Air Act (CAA) amendments of 1977.

B. 52.238 *Attainment dates for national standards*. The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) *Control Strategy and Regulations*:

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

San Bernardino County—Southeast Desert Air Basin

A. 52.233 *Review of new sources and modifications*. Subparagraphs (d)(8)(iii) and (g)(ix)(c) are proposed to be rescinded.

B. 52.238 *Attainment dates for national standards*. The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) *Control Strategy and Regulations*:

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

Riverside County—Southeast Desert Air Basin

A. 52.233 *Review of new sources and modifications.* Subparagraphs (d)(8)(ii) and (g)(ix)(b) are proposed to be rescinded. Also, subparagraphs (h), (i), and (j) have been invalidated by the CAA amendments of 1977.

B. 52.238 *Attainment dates for national standards.* The attainment dates in this section are proposed to be changed in accordance with the submitted nonattainment plan.

52.269(a) *Control Strategy and Regulations:*

Photochemical oxidants (hydrocarbons) and carbon monoxide
Replaced by newly submitted control strategy

Rule 67, Fuel Burning Equipment, specifies emission limits for new sources of fuel burning equipment in the SEDAB. Since the emission requirements for new fuel burning sources are being replaced by equivalent or better control requirements contained in the SEDAB nonattainment area plan, the rescission of Rule 67 is proposed to be approved, as applied to new sources. However, in order to prevent existing sources from removing control equipment, the emission limit of Rule 67 is also proposed to be partially retained, applicable only to (existing) sources granted permits prior to final rescission of Rule 67 by EPA.

7. *Emissions Growth.* The three County plans contain adopted New Source Review rules (see Criteria #9, Permit Program for further discussion) which use emission offsets for major new or modified stationary sources to limit emissions growth. This approach is acceptable and EPA proposes to approve this portion of the three County plans.

8. *Annual Reporting.* The three County plans do not specifically contain provisions for annual reports of reasonable further progress including an updated emission inventory. EPA policy for rural ozone plans does not specifically require the 1979 plans to contain all of the above items. Thus, EPA proposes to approve this portion of the three County plans.

9. *Permit Program.* The three County plans provide for a permit program as required by Sections 172 (b)(6) and 173 of the Act through the submittal of New Source Review (NSR) rules which have been adopted in a legally enforceable manner as required by Section 172 (b)(10).

On the dates noted previously, the governor's designee submitted NSR rules for the Riverside,¹ Los Angeles, and San Bernardino County portions of the Southeast Desert Air Basin.

Section 173 of the Act contains the requirements for approval of a permit program. EPA has established guidance based on Section 173 in (1) EPA's Emission Offset Interpretative Ruling (January 16, 1979, 44 FR 3274) and (2) EPA's proposed amendments to regulations for NSR and the Emission Offset Interpretative Ruling (September 5, 1979, 44 FR 51924).

EPA has reviewed the NSR rules for the three County plans with respect to the guidance based on Section 173. The NSR rules for the three County plans do contain differences from the Section 173 guidance. The most significant difference is as follows:

Rule 1306, "Emission Calculations" in all three County plans allows using the highest three years of the past five years period to determine "existing" emissions when company records are used to calculate emissions for offsets. In addition, in the Los Angeles and Riverside County rule, emission increases up to 100 lbs/day are not counted where the October 8, 1976 cutoff date is used.

An NSR permit program cannot be approved or conditionally approved with this deficiency; hence, certain portions of the rule noted above are being proposed for disapproval. Specifically, EPA is proposing to disapprove the following portions of the rule.

1. *Los Angeles County
Riverside County
San Bernardino County*

In Rule 1306(c)(1)(B)(ii), 1306(c)(1)(C), 1306(d)(1)(B)(ii), and 1306(d)(1)(C):

"* * * which have occurred during the highest three years of the last five year period, (which exhibited the highest emission levels), divided by the total number of actual operating days in those three years (divided by three);
Provided, The applicant demonstrate that such permit units have been operated at least 90 days during each of such three years."

2. *Los Angeles County
Riverside County*

In Rule 1306(a)(1), sentence 3.

¹ The NSR rules for the South Coast Air Basin were conditionally approved in a separate Federal Register Notice (see 46 FR 5966, January 21, 1981). EPA is proposing in today's notice to approve the addition of the SEDAB portion of Riverside County into the SCAQMD as a revision to the SIP. The effect of the proposed revision is to make all the SCAQMD rules applicable throughout Riverside County. SCAQMD NSR rules are being noticed in this proposed rulemaking since they have not previously been evaluated relative to the Riverside County portion of the SEDAB.

Aside from these disapprovable portions, the NSR rules for the three plans contain only minor deficiencies with respect to the Section 173 requirements including the definitions of "stationary source" and lowest achievable emission rate (LAER). [All of the deficiencies are described in EPA's Evaluation Report, which is available at the locations identified in the addresses portion of this notice. Additionally, the Evaluation Report contains a review of the submitted rules with respect to particulate matter since the SEDAB is designated nonattainment for both ozone and TSP.

It should be noted that EPA has published two final rulemaking notices on the September 5, 1979 proposed amendments to EPA's NSR regulations and the Emission Offset Interpretative Ruling. These notices, published on May 13, 1980 (45 FR 31307) and August 7, 1980 (45 FR 52676), amend EPA's requirements for NSR under Section 173. The State is required to comply with the August 7, 1980 requirements by 60 days following publication of final rulemaking.

EPA proposes to conditionally approve and incorporate into the SIP the submitted NSR rules for the three County plans, with the proposed deletions, with the following condition. The NSR rules in the three County plans must be revised and submitted as a SIP revision 60 days following publication of final rulemaking. In revising the NSR rules, the following must be addressed: (1) Any new requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the rules for the three County plans do not currently satisfy; and (2) those deficiencies cited in EPA's Evaluation Report Addendum which still apply despite EPA's new NSR requirements (contained in Document File NAP-CA-10 at the EPA Library in Washington, D.C. and the Region IX Office).

10. *Resources.* The State has noted in its submittal of the three County plans for the SEDAB that the locally adopted plans and ARB amendments constitute policy level commitments to perform necessary actions including tactic implementation, commitments to further study, and preparation of the 1982 Plan revisions. The State submittal is acceptable and therefore EPA proposes to approve this portion of the three County plans.

11. *Public and Government Involvement.* The three County plans provide evidence of public, local government, and State involvement and consultation in the planning process. In

addition, the official SIP submittal identifies air quality, health, welfare, economic, energy and social effects of the plan provisions. The SIP submittal also includes a summary of public comments. EPA therefore proposes to approve this portion of the three County plans.

12. *Public Hearing.* The Riverside County Plan meets the requirements of Section 172(b)(10) since it includes evidence that the plan was adopted by the local co-lead agencies on March 29, 1979, after reasonable notice and public hearing. The Los Angeles and San Bernardino County Plans also meet the requirements of Section 172(b)(10) since the plans include evidence of adoption by the State on November 29, 1979, after reasonable notice and public hearing. Therefore, EPA proposes to approve this portion of the three County plans.

13. *Extension Requirements for Ozone.*

14. *Extension Requirements for VOC RACT.* As referenced in the General Preamble, the 1979 ozone SIP revision for rural nonattainment areas need not contain a specific demonstration of attainment.

Therefore, the extension requirements of Criteria 13 and 14 identified above do not apply to the ozone portion of the plans.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. This proposal also includes draft volatile organic compound rules which have been adopted as model rules after public hearing by the State. These model rules have not yet been adopted and submitted to EPA by the State as legally enforceable rules. However, the State has requested EPA to review these model rules and invite public comment on whether these draft rules meet the requirements of Part D of the Clean Air Act. EPA may proceed to final rulemaking without providing further opportunity for public comment if the State adopts and submits rules equivalent to these model rules.

The Regional Administrator hereby issues this notice setting forth the SIP revision described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

The EPA Region IX Office specifically invites public comment on whether to conditionally approve the items

identified in this notice as deficiencies in the NAP. EPA is further interested in receiving comments on the specified dates for the State to submit the corrections, in the event of conditional approval. Comments received on or before July 8, 1981, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the Addresses Section of this notice.

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

EPA believes the available period for comment is adequate because:

(1) The Control Strategy has been available for inspection and comment since May 9, 1980.

(2) EPA's notice published in the May 9, 1980 *Federal Register* indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action as soon as possible after July 1, 1979 on that portion of the SIP that addresses the requirements of Part D.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions. It imposes no new regulatory requirements.

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

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

Dated: April 23, 1981.

Frank M. Covington,
Acting Regional Administrator.

[FR Doc. 81-10859 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-S-FRL-1842-3]

Proposed Approval of Illinois Total Suspended Particulate State Implementation Plan for Continental Grain Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to approve a temporary variance from the requirement of induced draft equipment for control of total suspended particulate (TSP) emissions from grain elevators for a Continental Grain Company facility located in Crossville, White County, Illinois. Because this variance represents a temporary relaxation of the federally approved Illinois State Implementation Plan, it must be approved by USEPA before it becomes effective under the Clean Air Act 42 U.S.C. 7410. The purpose of this notice is to invite public comment on the temporary exemption, and on USEPA's proposed rulemaking action.

DATE: Written comments must be submitted on or before July 8, 1981.

ADDRESSES: Copies of the SIP revision, USEPA's evaluation and public comments received are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition, copies of the SIP revision are available for inspection at the following addresses:

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

Illinois Environmental Protection
Agency, 2200 Churchill Road,
Springfield, Illinois 62706

Written comments should be sent to:
Mr. Gary Gulezian, Chief, Regulatory
Analysis Section, Air Programs Branch,
U.S. Environmental Protection Agency,
Region V, 230 South Dearborn Street,
Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:
Randolph O. Cano, Regulatory Analysis
Section, Air Programs Branch, U.S.
Environmental Protection Agency, 230
South Dearborn Street, Chicago, Illinois
60604 (312) 886-6038.

SUPPLEMENTARY INFORMATION: On May 29, 1980, the Illinois Pollution Control Board (IPCB) issued an Opinion and Order granting a variance from the requirements of Rule 203(d)(8)(B) for

Chapter 2 of the Air Pollution Control Regulations which relate to the requirement for induced draft equipment for control of total suspended particulate (TSP) emissions. This variance was granted to Continental Grain Company's grain elevator located in Crossville, White County, Illinois. This variance expired on July 1, 1980. It was submitted to USEPA by the Illinois Environmental Protection Agency on July 29, 1980.

Prior to September 1, 1979, this facility was exempt from the requirement of induced draft control equipment under Rule 203(d)(8)(D) which exempts existing facilities handling not more than 2,000,000 bushels of grain annually and which are located outside a major population area from meeting this requirement. Continental Grain lost this exemption when a review of its records as a part of the permit renewal process indicated that this facility's annual grain throughput exceeded the limit which would continue its eligibility for an exemption from this requirement.

The purpose of the variance granted by IPCB was to allow the continued operation of this facility until the dust collection equipment required by Rule 203(d)(8)(B) could be installed. The required equipment has now been installed. Since this variance proposes continuation of the *status quo* with regard to TSP emissions from this source and since this area is an attainment area for TSP, USEPA proposes approval of this variance.

USEPA solicits comments on this proposed SIP revision and the proposed USEPA action from all interested parties. Comments should be submitted to the address listed in the front of this notice. Public comments received on or before July 8, 1981 will be considered in USEPA's final rulemaking on the SIP. All comments received will be available at Region V Office, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709), that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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 merely approves a State variance which has already expired. The variance allowed this Continental Grain Company facility an extension until July 1, 1980, for compliance with the TSP

control requirements under Illinois Rule 208(d)8B.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by executive order 12291.

This Notice of Proposed Rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: May 18, 1981.

Valdas V. Adamkus,
Acting Regional Administrator.
[FR Doc. 81-16856 Filed 6-3-81; 8:45 am]
BILLING CODE 6560-39-M

40 CFR Part 52

[A-7-FRL-1835-7]

Approval and Promulgation of State Implementation Plans: Kansas

In FR Doc. 81-15416, appearing on page 27972 in the issue of Friday, May 22, 1981, make the following correction:

On page 27972, third column, the "DATES" paragraph should have read as follows:

DATES: The period for receiving comments on the state's submittal and what EPA's final action should be will extend from this date of publication until 30 days after publication of the proposed rulemaking.

BILLING CODE 1505-01-M

40 CFR Part 52

[A-1-FRL 1838-8]

Approval and Promulgation of Implementation Plans—Maine; Revision to the Maine State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to conditionally approve certain rules proposed by the Maine Department of Environmental Protection (DEP) under Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation. This proposed regulation, amending the Maine State Implementation Plan (SIP) contains provisions for sources meeting specified eligibility criteria to satisfy SIP emission limitations by alternative emission reduction strategies, commonly referred to as "bubbles." EPA also proposes not to require that every bubble adopted under proposed Regulation Chapter 115 be submitted as a SIP revision. Specifically, EPA proposes to exempt from the SIP revision process those alternative emission reduction strategies, adopted

in accordance with the provisions of proposed Regulation Chapter 115, for which the use of predictive air quality models is unnecessary for the demonstration of air quality equivalency and those bubbles at sources whose potential to emit is less than 100 tons per year (TPY).

The DEP has proposed adoption of Regulation Chapter 115 through their SIP revision procedures. Concurrently, EPA is proposing to conditionally approve the revision contingent upon its amendment by DEP to incorporate conditions specified herein prior to final adoption. This concurrent review, which EPA refers to as "parallel processing," is designed to reduce the time necessary for EPA review of SIP revisions and is being used on a trial basis by Region I.

DATE: Comments must be received on or before July 8, 1981.

ADDRESSES: Copies of Maine proposed Regulations, Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation; all documents referenced herein; and EPA's evaluation are available during normal business hours at EPA, Region I, Room 1903, J.F.K. Federal Building, Boston, MA 02203; the Public Information Reference Unit, EPA, 401 M Street, SW., Washington, DC 20460; and the Department of Environmental Protection, State House, Augusta, ME 04330.

Comments should be addressed to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, Air Branch, EPA Region I, J.F.K. Federal Building, Boston, MA 02203, (617) 223-4448.

SUPPLEMENTARY INFORMATION:

I Background

On December 11, 1979, EPA published its bubble policy, 44 FR 71779. That policy outlined criteria for allowing sources to have alternative emission reduction strategies made part of a SIP on the grounds that such bubbles would be more cost-effective than those emission limits previously specified in the existing SIP. One criterion stated was that each bubble had to be submitted to EPA as an individual SIP revision, 44 FR 71782.

On November 24, 1980 EPA proposed conditional approval of Subsection (c)(4) and (c)(5) of the New Jersey Administrative Code (N.J.A.C.) 7-27-16.6, 44 FR 77459, which specified rules for sources of volatile organic compounds (VOC) to bubble their emissions by allowing such sources to

adopt alternative emission reduction options within the New Jersey SIP. Also included in that publication was EPA's proposal not to require that such VOC emission reduction strategies be submitted as individual SIP revisions. On April 6, 1981 EPA promulgated these proposals, 46 FR 20551.

On January 16, 1981, the Administrator issued a detailed statement on bubble policy changes. That announcement included EPA's decision to propose to allow states to adopt general rules for approving bubbles for particulate matter and sulfur dioxide where no ambient air quality modeling is required as part of their technical analyses, and for bubbles of any pollutant at a source with the potential to emit less than 100 TPY; and the decision to propose to eliminate the requirement that these two types of bubbles, in addition to hydrocarbon bubbles of any size, be submitted as SIP revisions. The Administrator's announcement stated that EPA would propose to allow states to approve such bubbles without federal review, so long as a general rule containing acceptable requirements for allowing these bubbles has been incorporated into the state's SIP and has been approved by EPA.

II The Maine Equivalent Air Quality Strategy Bubble Regulation

The state of Maine has proposed bubble rules under DEP Regulations, Chapter 115, Equivalent Air Quality Strategy Bubble Regulation. Under this regulation sources are allowed to meet emission limitations for various emission points different from those specified in the existing SIP. The regulation encourages source owners and operators to seek additional pollution reductions where the cost of control is low in exchange for less control where the cost is high thereby resulting in a more economical mix of controls. The regulation requires that the net air quality effect must be positive, that is, air quality must be improved as a result of adoption of an alternative control strategy.

The proposed regulation specifies eligibility requirements, criteria for determining air quality equivalency, and criteria where such equivalency can be determined without the use of predictive air quality modeling.

To be eligible under proposed Regulation Chapter 115, the source must be an existing source located in an area designated as attainment or unclassifiable according to Section 107 of the Clean Air Act (42 USC 7407 et seq.) or in an area designated nonattainment for which the state has submitted and EPA has approved a SIP

revision to bring the area into compliance with the applicable ambient air quality standard. Under the proposed regulation, the source must demonstrate that all emission standards allowed under the alternative control strategy can be included as legally binding permit conditions.

Any source approved to apply an alternative control strategy under this chapter shall be licensed under approved DEP Regulations, Chapter 108, developed to satisfy the requirements of 40 CFR 51.18, and the issuances of such licenses shall be governed by Section 590, Title 38 M.R.S.A. Proposed Regulation Chapter 115 states that copies of the old and new licenses issued to any source approved to use an alternative control strategy will be forwarded to EPA.

Proposed Regulation Chapter 115 states that upon request by EPA the source must provide written acknowledgement that the new emission limitations specified under the bubble are federally enforceable. Under Maine's proposed bubble rules, a source must demonstrate that the alternative strategy would not change a requirement specified in any existing court decree. Maine's proposed regulation specifies that no source may use this chapter as a means of increasing emissions above any applicable New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS), (40 CFR Part 60 and 81) standard.

Under Maine's proposed criteria for demonstrating air quality equivalency, the source must affirmatively demonstrate that the proposed mix of emission controls results in an overall net air quality improvement. Any bubble involving emission points with different height and discharge characteristics will impact different locations to varying degrees with some increases and some decreases in impact; a net air quality improvement will be deemed to have occurred whenever the sum of the products of each change in concentration and its respective area is less than zero. The Maine proposed regulation clearly states that at no location may any allowed air quality degradation of any area result in a violation of any ambient air quality standard including any national ambient air quality standard (NAAQS) and prevention of significant deterioration (PSD) increment or remaining increment. Maine's proposed regulation specifies that whenever the applicable concentrations and areas are determined through predictive air

quality modeling, the methods and procedures of EPA's *Guideline on Air Quality Models* (OAQPS 1.2-080) will be used. The state may determine under the provisions of proposed Regulation Chapter 115 that a net air quality improvement will occur without the use of air quality modeling if:

(1) Allowable plant-wide emissions do not increase,

(2) Emission points are in the same immediate vicinity but not necessarily collocated,

(3) Emission points are of similar effective stack height, and

(4) There is a net reduction in actual emission.

Proposed Regulation Chapter 115 states that whenever air quality equivalency must be determined through complex modeling procedures, the alternative control strategy must also undergo federal review and approval by EPA.

Other criteria for demonstrating equivalency include that the alternative mix of controls must result in a net reduction in emissions for the same air contaminant, and must not rely on fugitive emission reductions except to the extent that the increased emissions are also fugitive in nature. Maine's proposed bubble rules further require that the net reduction must be real and quantifiable, disallowing crediting as an emission reduction any difference between allowable emissions and actual emissions whether due to existing equipment historically performing pollution reduction beyond allowable levels, or because of a source historically operating on a schedule or at a capacity less than that allowable under the SIP or any applicable license. In no instance, under proposed Regulation Chapter 115, may the level a source is bubbling against exceed allowable emission levels. The Maine bubble rules require that all emission reductions must be achieved prior to any emission increases allowed, and must be reasonably expected to impact the same general location as any allowed increases except that VOC bubbles may occur anywhere within the same AQCR. Proposed Regulation Chapter 115 states that bubbles need not be confined to one physical plant site.

Maine's proposed bubble rules state that in the event that an area is later designated nonattainment for an air contaminant, emission standards set under this chapter are subject to re-evaluation, and that wherever a new emission standard is developed, additional reductions to meet the new standard must be made, either directly at the affected source or through the

provisions of this chapter. Proposed Regulation Chapter 115 specifically cautions that future standards may require additional controls from sources employing an approved alternative strategy under this chapter.

III Today's Proposed Action

EPA is proposing to approve the Maine bubble regulation proposed under DEP Regulations, Chapter 115, Equivalent Air Quality Strategy "Bubble" Regulation, provided it is amended to meet the following conditions prior to final adoption:

(1) Under the criteria whereby air quality equivalency may be determined without the use of ambient air quality modeling, the Maine regulation must define the phrases "same immediate vicinity" and "similar effective stack height". In discussions between EPA and the state; the DEP has indicated that prior to final adoption Chapter 115 shall define "same immediate vicinity" to mean that the distance between any of the emission points under a bubble shall be equal to or no greater than 100 meters, and shall define "similar effective stack height" to mean that the effective stack height at which any increase is taking place is in compliance with Section 123 of the Clean Air Act and is equal to or no greater than 10% higher than the effective stack height at which any decrease occurs. EPA proposes to approve these definitions for "same immediate vicinity" and "similar effective stack height" for the criteria in Maine's Regulation Chapter 115 for determining air quality equivalency without the use of predictive air quality models.

(2) The Maine regulation must require that whenever air quality equivalency must be determined through any use of predictive air quality models and/or complex terrain is encountered, the alternative control strategy proposed must also undergo federal review and approval by EPA via the SIP revision process except for bubbles at sources whose potential to emit is less than 100 TPY.

(3) The Maine regulation must state that bubbles involving the trade of fugitive emission must also undergo federal approval via the SIP revision process.

(4) Although sources allowed alternative control strategies under proposed Regulation Chapter 115 shall be issued licenses in accordance with Title 38, Section 590, M.R.S.A. which provides for public notice, comment, and hearing during the licensing process; the Maine regulation must also provide for informing the public after a source is

issued final approval for an alternative control strategy.

(5) The Maine bubble rules must state that no source may use Regulation Chapter 115 to avoid meeting the required emission level of any applicable best available control technology (BACT) or lowest achievable emission rate (LAER) determination.

(6) The Maine rules must specify provisions for bubbles involving hazardous pollutants which are equivalent to or more restrictive than those provisions of EPA's bubble policy 44 FR 71784.

(7) Maine's bubble regulation must require that each emission point under a bubble have a specified emission limitation with an approvable test method for demonstrating compliance.

(8) Maine's bubble rules must provide that emission reductions due to shutdowns or curtailments credited as part of an approved alternative control strategy, must be offset should the source apply to restart the shutdown equipment or resume the original operating schedule of any curtailment.

EPA's review of proposed Regulation Chapter 115, revising the Maine SIP, indicates that it is approvable if it is amended to include the conditions of this section of this notice. During the public comment period and at the upcoming state hearings, the DEP will inform the public of these conditions and solicit comment on them. EPA is proposing approval of Regulation Chapter 115 contingent upon its amendment to incorporate the conditions specified herein today, before completion of the state public review period, and thus before final submittal of the revision to EPA. EPA refers to this new procedure as "parallel processing." If the proposed regulation is substantially changed, beyond including the conditions specified herein, during the public review period, EPA will re-evaluate those changes and publish a revised notice of proposed rulemaking. If no substantive changes are made to Regulation Chapter 115 other than those conditions specified herein, EPA will issue a notice of final rulemaking on the regulation. That final rulemaking action by EPA will be published only after Regulation Chapter 115, amended to include the conditions specified in this section of this notice, has been adopted in final and incorporated into the SIP by the state. "Parallel processing" is estimated to reduce the time necessary for final approval of SIP revisions by an average of 3 to 4 months.

IV Rationale

EPA proposes not to require that alternative emission control strategies

adopted under Maine's bubble regulation be submitted for EPA approval as SIP revisions except for bubbles at sources with potential to emit in excess of 100 TPY where the air quality equivalency demonstration involves the use of predictive air quality models and/or when complex terrain is encountered, and for bubbles involving the trade of fugitive emissions. The Maine bubble regulation's requirements when amended to include the conditions of Part III of this notice are sufficiently circumscribed and contain adequate safeguards to insure that their implementation cannot interfere with attainment and maintenance of ambient air quality standards and PSD increments.

The rationale for exempting certain types of bubbles from the requirement that each bubble be submitted as a SIP revision is laid out in detail in EPA's notice approving New Jersey's bubbles rules for hydrocarbons. See 46 FR 20554 (April 6, 1981). In brief, the key factor in approving a bubble lies in determining whether that bubble's ambient air quality impact is equivalent to the impact of the existing SIP emission limits. Where hydrocarbons are concerned, ambient effects are modeled on an areawide rather than a source-specific basis. This means that all such emissions within a broad area are considered comparable, regardless of stack height, topography, etc. Thus, the ambient air quality impact of a proposed bubble will be equivalent to that of the original SIP if the emission limits for the emission points in the bubble add up to the same sum as the SIP emission limits for those points. This essentially arithmetic task is so mechanical that hydrocarbon bubbles developed in this manner cannot interfere with attainment and maintenance. *Id.*

The ambient air quality of other pollutants, such as particulates and sulfur dioxide, is dependent upon a variety of site-specific factors, such as the topography of the region, stack height, and the distance between stacks. This means that ordinarily, equal emissions from two different stacks will have different impacts on ambient air quality, and modeling will be necessary to decide just what those effects will be. However, if the stacks are close together and are of the same effective height, then emissions from those stacks will have a comparable ambient air quality impact. Thus, equal emissions from such stacks will be equivalent in their ambient effects. As a result, bubbles involving emission points which are close together and of similar effective stack height can be treated in the same

manner as hydrocarbon bubbles, which means that the state's procedures need only ensure that the sum of the emission limits for the emission points in the proposed bubble equals that of the emission limits in the SIP for those points. Since Maine's bubble rules should provide this assurance, EPA proposes to approve those rules. As EPA noted in its approval of New Jersey's bubble rules, approval of the rules in effect will constitute advance approval of each alternative set of emission limitations developed under them. 46 FR 20554.

As explained in the final rulemaking notice approving New Jersey's bubble rules, 46 FR 20554, (April 6, 1981) EPA believes that it can enforce alternative emission limitations adopted pursuant to carefully restricted EPA approved procedures like those proposed by Maine under Regulations, Chapter 115. Further, Maine's bubble regulations require that sources adopting alternative emission limitations have such limitation specified as permit conditions in a license as required by Regulations, Chapter 108, and that such licenses must be issued in accordance with Section 590, Title 38, M.R.S.A. Chapter 108, which was developed to meet the provisions of 40 CFR 51.18 and is part of the federally approved SIP for Maine. EPA has always considered permits issued under Section 590 to be federally enforceable. Therefore, any permit conditions of a license issued in accordance with this regulation are federally enforceable. Although not required by EPA, the Maine bubble regulation requires that sources provide written acknowledgement to EPA upon request, that any emission limitations adopted pursuant to that regulation are federally enforceable. In addition, EPA proposes to insert into its approval of the Maine bubble regulation a statement such as that made in the notice of final rulemaking approving New Jersey's bubble rules, 46 FR 20554, that emission limitations adopted pursuant to Maine Regulation Chapter 115 are deemed part of the Maine SIP and so may be enforced by EPA and by citizens.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and merely improves state rules. In addition,

it provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulation Impact Analysis. This regulation is not major because, if promulgated, it will only approve Maine state actions enabling sources to meet the existing state requirements with more cost effective control strategies, with greater flexibility, and adds no new requirements. Further, this regulation should reduce regulatory burdens by decreasing the time between application and implementation of certain alternative, more cost effective control strategies by eliminating the requirement that they be approved, individually, by EPA via the SIP revision process.

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

The Administrator's decision to approve the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: April 28, 1981.
Leslie Carothers,
Acting Regional Administrator.
(FR Doc. 81-10857 Filed 6-5-81; 9:45 am)
BILLING CODE 6560-38-M

40 CFR Part 52

[A-I-FRL 1837-1]

Approval and Promulgation of Implementation Plans; Maine Lead State Implementation Plan

AGENCY: Environmental Protection (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Revisions to the Main State Implementation Plan (SIP) were submitted to the Environmental Protection Agency (EPA) on August 7 and November 5, 1980. The intended effect of these revisions is to fulfill EPA requirements to develop a plan to attain and maintain the National Ambient Air Quality Standard (NAAQS) for lead (40 CFR Part 51) in Maine. EPA is proposing to approve the revisions.

The EPA invites public comments on these revisions, and the consistency of

the revisions with respect to the requirements of the Clean Air Act.

DATE: Comments may be submitted to EPA at the address below on or before July 8, 1981.

ADDRESSES: Comments may be sent to: Harley E. Laing, Chief, Air Branch, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203. Copies of the proposed revisions are available for public inspection during normal business hours at the following locations: Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; Bureau of Air Quality Control, Ray Building, Hospital St., Augusta, Maine 04333 and the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Betsy Horne, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1978 EPA promulgated primary and secondary National Ambient Air Quality Standards for lead (43 FR 46246). Section 110 of the Clean Air Act, amended in August 1977 (42 U.S.C. 7410), requires each State to adopt and submit to the EPA Administrator, within nine months after promulgation of a National Ambient Air Quality Standard, a plan for attainment and maintenance of the standard in their area. The requirements of an approvable lead State Implementation Plan are set forth in 40 CFR Part 51 (see also 43 FR 46246). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling, and a demonstration that the standard will be attained within the time frame specified by the Clean Air Act.

Description of the Proposed SIP Revisions

On August 7, 1980, the Commissioner of the Department of Environmental Protection submitted revisions to Maine's State Implementation Plan to attain and maintain the federal standard for lead. The revisions include a discussion of measured lead air quality data, emission inventories for stationary, mobile and area sources, a projected emissions inventory for mobile and area sources and a control strategy for reducing ambient lead emissions. Additional information was submitted on November 5, 1980.

including: (1) projected emissions for stationary sources; (2) a commitment to monitor the Louis Mack Company after it relocates; (3) a commitment to continue to investigate the impact of waste oil burning on lead emissions at International Paper in Jay; (4) a discussion of the State's authority to control new sources of lead emissions.

The summary contained in the August 7, 1980 submittal indicates that Maine is attainment for the lead NAAQS.

Through various control strategies, Maine's submittal indicates that the NAAQS for lead will be maintained. These strategies include a phase-down in the lead content of gasoline and improved fuel economy. Mobile and area source projections from the base year 1974 to 1984 show a marked decline in lead emissions.

The 1979 inventory for stationary sources shows that only one major point source exists in Maine. This source, International Paper at Jay, emits approximately 37 tons of lead per year from the combustion of automotive waste oil. The State has committed to continue its investigation concerning the effect of these emissions on ambient lead levels through analysis of local ambient data and diffusion modeling. In addition, two special purpose monitors will be established in Portland near the relocated Louis Mack Company (for fugitive emissions) and near Turkey's Bridge.

In the November 5, 1980 submittal, the State has indicated that it will review new lead sources and modifications to existing lead sources under the new source review regulation (Department Regulation 108) which are applicable to all pollutants and were previously approved by EPA as part of the Maine SIP. Further, the state has confirmed in the submittal that, at a minimum, all point sources which have the potential to emit five tons or more of lead per year will require a permit.

EPA's Proposed Action

EPA has evaluated the Maine plan by comparing it with the requirements for an approvable lead SIP as set forth in 40 CFR Part 51. As a result of this evaluation, EPA proposes to approve the plan.

Public Comments

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by

submitting written comments to the Region I Office. Comments received on or before (30 days after publication) will be considered. Comments received will be available for public inspection at the EPA Region I Office and at the locations listed in the Addresses section of this notice.

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

The Department of Environmental Protection has certified that the public hearing requirements of 40 CFR 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore, subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 Fed. Reg. 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. Sections 7410(a) and 7601(a))

Dated: May 12, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-16869 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-1-FRL-1838-2]

Approval and Promulgation of Implementation Plans; Revision to the Massachusetts State Implementation Plan, Proposed Rulemaking

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On September 16, 1980 (45 FR 61293) the Environmental Protection Agency (EPA) imposed various conditions on its approval of Massachusetts State Implementation Plan (SIP) revisions submitted to EPA on December 31, 1978 and May 16, 1979. One condition was a requirement that the State submit by October 7, 1980, Appendix J to its SIP revision, which sets forth policy guidance for the preparation of a comprehensive air quality analysis of transportation projects. Appendix J was submitted to EPA on January 5, 1981. EPA is proposing to approve the submittal as satisfying this condition. Interested persons are invited to comment on this Part D SIP revision. Public comments received within 30 days of the date of this publication will be considered in EPA's final decision.

DATE: Comments should be submitted on or before July 8, 1981.

ADDRESSES: Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Copies of the State's submittal are available for inspection at the following addresses: Environmental Protection Agency, Air Branch, Room 1903, J.F.K. Federal Building, Boston, MA 02203; Massachusetts Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, MA 02108 and Public Information Reference Unit, EPA, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

John L. Hanisch, Chief, Mobile Source Emissions Section, Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 1903, Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61293) EPA set forth various conditions on its approval of revisions to the Massachusetts SIP which were submitted to EPA on December 31, 1978 and May 16, 1979. One such condition was a requirement that the State submit Appendix J by October 7, 1980. The appendix was to include policy guidance for the preparation of a comprehensive air quality analysis of transportation projects. Appendix J was submitted by Mr. Kenneth A. Hagg, Acting Director, Division of Air Quality Control, Massachusetts Department of Environmental Quality Engineering on January 5, 1981.

The submittal, entitled "Transportation Project Level Guidelines", describes the process for project level analyses. It discusses the project level criteria contained in Massachusetts SIP and the process by which the Department of Public Works and the Department of Environmental Quality Engineering will determine which projects are considered major actions and therefore require an environmental analysis, and which projects are considered categorical exclusions and therefore need no further air quality analysis. In addition, this document discusses each State agency's responsibility in this process and recommends information to be included in an air quality analysis for Environmental Impact Statements, Environmental Impact Reports and Findings of No Significant Impacts.

Upon review of this document, EPA feels that the State has submitted sufficient information to satisfy this condition imposed on the approval of its Part D SIP.

Proposed Action

EPA is proposing to approve Appendix J as meeting the condition stipulated in Part I(D)(1)(e) of the September 16, 1980 Federal Register notice (45 FR 61293).

Interested persons may submit written comments on the SIP revision up to 30 days after the date of this publication. Any comments filed regarding this notice will be available for public inspection in Room 1903, Air Branch at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only approves state action and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

(Secs. 110 and 301 of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: April 27, 1981.

Leslie A. Carothers,
Acting Regional Administrator.

[FR Doc. 81-10904 Filed 6-5-81; 8:45 am]

BILLING CODE 8560-38-M

40 CFR Part 52

[A-6-FRL 1836-7]

Approval and Promulgation of State Implementation Plans: Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to propose approval of certain elements of the State Implementation Plan (SIP) revisions for Texas, which were conditionally approved on March 25, 1980, (45 FR 19231). These revisions were submitted on December 21, 1979 and July 25, 1980 to fulfill the requirements of Part D of Title I of the Clean Air Act, as amended in 1977, with regard to nonattainment areas.

When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the required documentation according to schedule and, based on the Agency's review of the material submitted, EPA is proposing to approve it and invites public comment on this proposed action. This proposed rulemaking means that the conditional approval will remain in effect until EPA takes final action on these revisions.

DATES: Interested persons are invited to submit comments on this proposed rulemaking on or before July 8, 1981.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State submittal and comments received on this proposed rulemaking will be available for inspection during normal business hours at the above address and the following locations:

Environmental Protection Agency,
Public Information reference Unit,
Room 2922, EPA Library, 401 "M"
Street, SW., Washington, D.C. 20460

Texas Air Control Board, 6330 Highway
290 East, Austin, Texas 78723

FOR FURTHER INFORMATION CONTACT:
Donna M. Ascenzi, Implementation Plan
Section, Environmental Protection
Agency, Region 6, Air and Hazardous
Materials Division, Air Programs
Branch, 1201 Elm Street, Dallas, Texas
75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

On August 1, 1979 (44 FR 45204), EPA published a notice of proposed rulemaking on the revisions to the Texas State Implementation Plan (SIP) which had been submitted by the Governor on April 13, 1979. Under that notice, the Agency discussed the SIP in detail and described the deficiencies of the SIP pursuant to Part D of the Act. In response to that notice of proposed rulemaking, the State committed to corrective actions on the deficiencies and to submit the additional required information by specific deadlines.

EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. A discussion of conditional approval and its practical effect appears in supplements to the General Preamble published on July 2, 1979, and November 23, 1979.

The conditional approvals, being acted on under this proposal notice, are as follows:

(1) Under the conditional approval of Regulation V, the State was required to submit a demonstration of consistency with the Agency's 5 percent rule for degreasing operations in Harris County for which the State had included exemptions, and revisions to the regulation for cutback asphalt and additional control measures for degreasing operations. The demonstration was required to be submitted by December 31, 1979 and revisions to Regulation V by August 1, 1980.

(2) Under the conditional approval of the particulate matter (TSP) plans for San Benito, Brownsville, Corpus Christi 1,¹ Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4, the State was required to submit adopted control strategies and revisions to Regulation I (if necessary) by August 1, 1980.

EPA is proposing action on these items since the format of the State's submittals differed from that specified under the conditional approval and to

¹This notation was used in the Texas SIP to differentiate among the nonattainment areas within one city. For example, the two nonattainment areas in Corpus Christi are Corpus Christi 1 and Corpus Christi 2.

afford the public an opportunity to comment on these submittals. Even though the State's submittals differ in format, EPA believes that the substance of the submittals satisfies the conditions for approval.

The Governor's submittal of July 25, 1980 included several additional revisions to the Texas SIP. However, only those revisions pertaining to the above mentioned conditional approvals are being acted on under this notice. All other revisions will be acted on in a subsequent Federal Register notice.

The remainder of today's notice briefly summarizes the conditions for approval, as specified in the March 25, 1980 notice and discusses EPA's review findings.

It should be noted that the Texas Air Control Board (TCAB) revised the numbering system of its regulations. To maintain consistency, the Subchapter numbers referred to in this notice correspond to those used in the March 25, 1980 notice. However, the new subchapter number, under the new numbering system, is referenced in parentheses, following the old subchapter number.

Regulation V

In the March 25, 1980 notice of final rulemaking, under the section which discussed Regulation V, "Control of Air Pollution from Volatile Organic Compounds," EPA noted several issues, for which the State's regulation deviated from the information in the Control Technique Guidelines (CTGs) and for which the State committed to submit additional information, supporting the deviations. These issues were as follows:

(1) In regard to Subchapter 131.07.59.101 (115.171), the State's method of control of volatile organic compound (VOC) emissions from the use of cutback asphalt was not consistent with the reasonably available control technology (RACT) requirements for this source category, and this subchapter did not include all nonattainment counties in which the use of cutback asphalt constituted 100 tons per year or more of VOC emissions on a countywide basis.

(2) In regard to Subchapters 131.07.59.102-104 (115.172-174), the State had not included the requirements for Control System B, and had included an exemption for degreasing operations, in Harris County, emitting less than 100 pounds per day.

In regard to these issues, the State was required to submit a demonstration, for the exemption indicating compliance with the Agency's 5 percent rule by December 31, 1979, and the necessary

revisions to Regulation V by August 1, 1980.

On December 21, 1979, the State submitted a demonstration which indicated that its method of control of VOC emissions from the use of cutback asphalt was consistent with the RACT requirements for this source category and that it was consistent with the Agency's 5 percent rule.

In addition, the State submitted the required demonstration for the exemption for degreasing operations in Harris County. In that submittal the State indicated that it was unable to demonstrate consistency with the Agency's 5 percent rule for the exemption of those sources emitting less than 100 pounds per day. However, the State was able to show that an exemption level of 3 pounds per day would conform to the 5 percent rule. Therefore, in their December 21, 1979 submittal, the State committed to revise Regulation V to include an exemption level of 3 pounds per day rather than 100 pounds per day.

On July 25, 1980, the Governor of Texas submitted revisions to Regulation V which included the following provisions: extended the control requirements for cutback asphalt usage to all nonattainment counties in which emissions from this source category constituted 100 tons per year or more on a countywide basis; included the requirements for Control System B for degreasing operations; and, reduced the exemption level for degreasing operations in Harris County from 100 pounds per day to 3 pounds per day.

EPA has evaluated the State's submittals of December 21, 1979 and July 25, 1980 and, based on the Agency's review, is proposing to approve these portions of Regulation V. The conditional approval will remain in effect until EPA takes final action.

Particulate Matter

In the March 25, 1980 notice of final rulemaking, EPA conditionally approved the TSP plans for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas, 1, Dallas, 3, and El Paso 4 based upon the State meeting the following schedule:

March 3, 1980—Draft SIP revision supplement submitted to EPA.

May 5, 1980—Public hearing completed.

August 1, 1980—Adopt revision, revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA.

The State informally submitted a draft SIP revision supplement on February 4, 1980, followed by formal submittal of the draft on April 7, 1980. This draft

indicated that the Dallas 3 nonattainment area had originally been designated as nonattainment on the basis of incorrect data, and on March 28, 1980 the State officially submitted Board Resolution R80-5, which requested that Dallas 3 be redesignated as an attainment area. Since the Agency has not taken action on this redesignation request, EPA will take no action on the conditional approval for the Dallas 3 nonattainment area at this time.

In regard to the remaining nonattainment areas, the draft SIP revision supplement contained control strategies based on the application of fugitive dust controls as specified in Regulation I. With such controls, the State indicated that attainment of the primary National Ambient Air Quality Standard (NAAQS) would be achieved by December 31, 1982 and the secondary NAAQS by December 31, 1987.

Public hearings on the proposed control strategies were held from April 22 through April 24, 1980 at various locations throughout the State. On July 25, 1980, the Governor of Texas submitted the control strategies to be included as part of the SIP.

EPA has reviewed the control strategies and concurs with the State that the implementation of the control measures for fugitive dust, specified in Regulation I, will result in attainment of the primary TSP NAAQS by December 31, 1982 and the secondary TSP NAAQS by December 31, 1987. Therefore, EPA proposes to approve the TSP plans for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas, 1, and El Paso 4.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Section 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

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 merely proposing to approve a State action. It will impose no new regulatory action.

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

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 8, 1981.

Francis E. Phillips,
Acting Regional Administrator.

[FR Doc. 81-36861 Filed 6-5-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 81

[A-1-FRL-1837-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Redesignations: Vermont

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: A request for attainment reclassification for the State of Vermont was submitted to the Environmental Protection Agency (EPA) on December 11, 1980 by the Secretary of the Agency of Environmental Conservation. The intended effect of this action is to redesignate the attainment status for ozone of three counties: Addison, Chittenden and Windsor. Currently each of these areas is non-attainment for the pollutant ozone. EPA invites comment on its proposed approval of the request to redesignate ozone from non-attainment to attainment for Addison County and to unclassified for Windsor and Chittenden Counties.

DATE: Comments are invited on this proposed action and should be submitted on or before July 8, 1981.

ADDRESSES: Copies of the Vermont request are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 and the Agency of Environmental Conservation, Air and Solid Waste Programs, State Office Building, Montpelier, Vermont 05602.

Send comments to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, J.F. Kennedy Federal Building, Room 1903, Boston, Massachusetts 02203. Telephone: (617) 223-6883.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1980, EPA published final rulemaking in the *Federal Register* (40 FR 10775) approving Vermont's SIP revisions to meet the requirements of Part D (Plan Requirements for Non-

Attainment Area) of the Clean Air Act (the Act) 42 U.S.C. 7401 et seq. as amended in 1977. Among the actions taken at that time was approval of the redesignation of the entire state except for Addison, Chittenden and Windsor Counties from non-attainment for ozone to unclassified. These three areas were approved as non-attainment for ozone and attainment plans were included in the State's March 21, November 21, November 27 and December 19, 1979 SIP revisions.

Description of the Vermont request: For Addison County, Vermont has requested a redesignation from non-attainment for ozone to attainment based on ambient monitoring data which shows that there were no predicted or observed violations from 1978 through 1980. Addison County ozone readings over the last three years demonstrate attainment according to the procedures described in 40 CFR 50, Appendix H—Interpretation of the National Ambient Air Quality Standards for Ozone. For Windsor County, Vermont has requested a redesignation from non-attainment for ozone to unclassified. The document indicates that the reported violations of the standard in 1977 may have been biased by monitor calibration techniques. In addition, a comparison of 1977 data in Windsor and Addison Counties shows that for 75 of 79 days with violations, Windsor County readings were lower than those in Addison County. Since there is not sufficient evidence that Windsor County has attained the ozone standard, Vermont has requested an unclassified designation until monitoring data can be collected and a determination of attainment/non-attainment made.

Chittenden County was originally designated non-attainment on March 3, 1978 based on the 0.08 ppm ozone standard. In February, 1979, EPA amended the ozone standard and the methodology for calculating ozone violations, but Vermont had already issued a draft SIP revision. In a letter dated August 7, 1979 Vermont requested that EPA reevaluate the data determination for Chittenden County based on the new 0.12 ppm standard. A decision to require that Chittenden County remain designated non-attainment meant that major sources of volatile organic compound (VOC) emissions (precursors to the formation of ozone) must be required to install reasonably available control technology and that any new or modified major stationary source of hydrocarbons must install equipment to obtain the most stringent emission rate possible. On

December 11, 1979 Vermont officially requested that Chittenden County be redesignated to unclassified.

Information supplementing the December 11, 1979 request was submitted in the December 11, 1980 document. It shows that the ozone monitor in downtown Burlington was subject to nitrogen oxide scavenging. Because the amount of bias for readings in 1978 and 1979 cannot be determined and because 1980 levels at the new monitoring site at the University of Vermont show no violation of the standard, Vermont is requesting that Chittenden County be redesignated from non-attainment for ozone to unclassified.

In the February 19, 1980 rulemaking EPA indicated that it would act on that request in a separate Notice and that if Chittenden County was finally redesignated unclassified, the regulations regarding storage of VOCs and bulk gasoline terminals (Regulations 5-523(1) and 5-523(3)) approved that date could be withdrawn from the federally approved SIP. The state will hold a public hearing on the withdrawal of these regulations from the federally-approved SIP. Once a SIP revision is received on this action, EPA will publish proposed rulemaking in the *Federal Register*.

Proposed Action

EPA is proposing to approve Vermont's request to redesignate from non-attainment for ozone to attainment for Addison County and to unclassified for Windsor and Chittenden Counties.

Interested persons are invited to comment on the Vermont request and whether it meets the requirements of the Clean Air Act. Comments should be submitted to the address listed in the front of this Notice.

Public comments received by July 8, 1981 will be considered in EPA's final decision on the Vermont request. All comments received will be available for inspection at EPA's Region I office, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations.

Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

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 this action imposes no regulatory requirements but only changes area air quality designations.

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

(Sec. 110 of the Clean Air Act, as amended)

Dated: May 15, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-10903 Filed 6-5-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1 Appendix, Parts 1-4 and 101-37

Procurement and Contracting for Telecommunications

AGENCY: General Services Administration.

ACTION: Notice of distribution for review and comment of draft Federal Procurement Regulations (FPR) subpart.

SUMMARY: On May 29, 1981, the General Services Administration distributed to Federal agencies and other interested parties a proposed new FPR Subpart 1-4.13 in Part 1-4. Review and comments on the draft were requested to be submitted within 60 days. The new subpart is intended to replace, in part, existing regulatory coverage contained in FPR Temporary Regulation 51 in 41 CFR Ch. 1 App., (44 FR 41431, July 17, 1979) and Federal Property Management Regulations (FPMR) Subpart 101-37.4 in Part 101-37 and to provide provisions regarding procurement and contracting by Federal agencies of commercial telecommunications services.

DATES: Review and comments are invited through July 28, 1981.

ADDRESS: GSA (CPEP), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Procurement Policy and Regulations Branch, Policy and Analysis Division, Office of Policy and Planning, ADTS, 202-566-0194.

Dated: May 29, 1981.

Francis A. McDonough,

Deputy Commissioner for Government-wide Management, Automated Data and Telecommunications Service.

[FR Doc. 81-10950 Filed 6-5-81; 8:45 am]

BILLING CODE 6820-25-M

National Archives and Records Service

41 CFR Part 101-11

Records Management; Standard and Optional Forms

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed regulation updates and clarifies GSA/NARS procedures for both the approval and cancellation of Standard and Optional forms. The proposed subpart also sets forth agencies' responsibilities to develop, promulgate, and sponsor Government-wide forms through the Standard and Optional forms program.

DATE: Comments must be received by July 23, 1981.

ADDRESS: Comments should be sent to the General Services Administration (NRSO), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Gail Dennis, Team Leader, Standard and Optional Forms Program (202-376-2343).

SUPPLEMENTARY INFORMATION: This subpart is in agreement with and supplements FPMR 101-11.208-1, Forms—agency program responsibilities.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or other; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Accordingly, it is proposed to amend 41 CFR Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. The table of contents for Subpart 101-11.8 is revised to read as follows:

Subpart 101-11.8—Standard and Optional Forms Program

- Sec.
- 101-11.800 Scope of subpart.
 - 101-11.800-1 Objectives.
 - 101-11.801 Authority.
 - 101-11.802 Definitions.
 - 101-11.802-1 Form.
 - 101-11.802-2 Standard form.
 - 101-11.802-3 Optional form.
 - 101-11.802-4 Promulgating agency.
 - 101-11.802-5 Sponsoring agency.
 - 101-11.802-6 Exceptions.
 - 101-11.802-7 Overprinting.
 - 101-11.803 Agency responsibilities.
 - 101-11.804 Approval/disapproval/cancellation procedures.
 - 101-11.804-1 Approval and disapproval for Standard and Optional forms.
 - 101-11.804-2 Cancellation of Standard and Optional forms.
 - 101-11.805 Standard and Optional forms/public reports.
 - 101-11.806 Standard and Optional forms coordination with interagency reporting approved by GSA/NARS.
 - 101-11.807 Interagency Committee on Medical Records (ICMR) responsibilities.
 - 101-11.808 Clearance of medical forms.
 - 101-11.809 Exceptions to Standard forms.
 - 101-11.809-1 Policy.
 - 101-11.809-2 Procedure.
 - 101-11.809-3 Review.
 - 101-11.810 Employee suggestions.
 - 101-11.811 Procurement of Standard Form 152.
 - 101-11.812 Procurement of stocks of Standard and Optional forms.
- Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101-11.8—Standard and Optional Forms Program

2. Subpart 101-11.8 is revised to read as follows:

§ 101-11.800 Scope of subpart.

This subpart prescribes procedures for agencies to follow in obtaining both the approval and cancellation of Government-wide Standard and Optional forms. This subpart also sets forth agencies' responsibilities to develop, promulgate, and sponsor Government-wide forms through the Standard and Optional Forms Program. This subpart is in agreement with and supplements § 101-11.208, Forms—agency program responsibilities.

§ 101-11.800-1 Objectives.

The objectives of the Standard and Optional forms program are to provide:

- (a) Simplified Government-wide procedures;

(b) Cost-effective practices and procedures for creating, stocking, and distributing forms; and

(c) Creation of Standard and Optional forms based on a valid need and in compliance with applicable laws and regulations, such as the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Federal Information Processing Standards (FIPS) (40 U.S.C. 759; Executive Order 11717, dated May 9, 1973; and 15 CFR Part 6).

§ 101-11.801 Authority.

The Standard and Optional Forms Program was developed and operated by the Office of Management and Budget (OMB) consistent with the authorities prescribed by the Budget and Accounting Act of 1921. Responsibility for the program was assumed on May 29, 1967, by GSA/NARS through agreement with OMB.

§ 101-11.802 Definitions.

For the purposes of this subpart, the following definitions apply.

§ 101-11.802-1 Form.

A fixed arrangement of captioned spaces designed for entering and extracting prescribed information. This definition includes:

(a) Paper copy created or generated from equipment or devices employing memory storage, magnetic tape, cards, or programed formats; and

(b) Electronic displays created or used on visual display equipment, microfilm, or similar media.

Various reproduced items that do not have provisions for entering information are not considered to be forms. Items in this category are instruction sheets, instruction booklets, labels, and placards. These items may be assigned form numbers and controlled within the forms management program, but they are excluded from required or requested statistical reports of forms and identified as "nonform" or "other" items.

§ 101-11.802-2 Standard form.

A form prescribed by a Federal agency, consistent with its authority, and approved by GSA/NARS for mandatory Government-wide use.

§ 101-11.802-3 Optional form.

A form developed by a Federal agency for use in two or more agencies and approved by GSA/NARS for nonmandatory Government-wide use.

§ 101-11.802-4 Promulgating agency.

Any Federal agency, department, or commission that develops and

prescribes a Standard form as defined in § 101-11.802-2.

§ 101-11.802-5 Sponsoring agency.

Any Federal agency, department, or commission that develops and prescribes an optional form as defined in § 101-11.802-3.

§ 101-11.802-6 Exceptions.

A GSA/NARS approved deviation from the mandatory use of a Standard form. There are two categories of exceptions: Content or format changes and construction changes.

(a) Content or format changes are changes to the wording or layout of the form (e.g., addition, deletion, or rearrangement).

(b) Construction changes are revisions in printing specifications that result in no changes in the content or arrangement of data on the form (e.g., paper changes, paper size changes, snapout sets, and marginally punched constructions).

§ 101-11.802-7 Overprinting.

The printing of pertinent identical entries in a captioned area on a Standard or Optional form (e.g., agency names and addresses, accounting codes, and organization codes).

§ 101-11.803 Agency responsibilities.

Each agency shall:

(a) Designate a liaison representative and alternate representative. Notifications of designees, including each designee's name, title, organizational location, and telephone number, and requests for clearance and all other communications concerning the Standard and Optional Forms Program shall be addressed to: General Services Administration (NR), Washington, DC 20408. Changes in designations shall be submitted within 30 calendar days after a new appointment is made.

(b) Provide NARS with a copy of the agency's internal instructions on Standard and Optional forms management.

(c) Develop new and revised Standard and Optional forms in accordance with the provisions of this subpart, the agency's mission, responsibilities, regulatory authority, applicable laws and regulation (§ 101-11.801(c)), and GSA/NARS forms analysis and design guidelines.

(d) Ensure that its new and revised Standard and Optional forms do not duplicate forms already available in the Standard and Optional Forms Program.

(e) Obtain GSA/NARS approval for each new, revised, and canceled Standard and Optional form.

(f) Coordinate with user agencies on each new, revised, and canceled Standard and Optional form.

(g) Review existing Standard and Optional forms for possible improvements, consolidations, and cancellations, at least annually.

(h) Reply to GSA/NARS information and printing proof requests within 10 workdays.

(i) Maintain records documenting all agency Standard and Optional forms actions.

§ 101-11.804 Approval/disapproval/cancellation procedures.

§ 101-11.804-1 Approval and disapproval for Standard and Optional forms.

The promulgating/sponsoring agencies and NARS have specific responsibilities in the area of forms approval/disapproval. Each promulgating/sponsoring agency shall:

(a) Request approval for proposed and revised Standard and Optional forms by submitting to GSA/NARS three each of the following: Standard Form 152, Request for Clearance, Procurement, or Cancellation of Standard and Optional Forms; the justification; the draft form; the proposed implementing instructions (Standard forms) or availability announcement (Optional forms); a list of the names, titles, and organizations of persons with whom this material was coordinated; a list of concurrences; a summary of any major problems on which agreement could not be reached; a list of potential users and their projected annual usage; and a cost-effectiveness evaluation. NARS will (1) verify the need; (2) ensure the requirement will not result in duplicate forms; and (3) assess the impact on users.

(b) Request approval of the form from NARS. If approved, NARS will assign it an edition date and, if required, a form number or other identification, as appropriate; return the approved Standard Form 152 to the liaison representative of the promulgating/sponsoring agency; and enter the approved form in the Standard and Optional forms inventory. (Edition dates, once assigned, may not be changed by an agency.) If the form is disapproved, NARS will notify the requesting agency on the Standard Form 152.

(c) Ensure that the following appear on all Standard and Optional forms: the Standard/Optional form number assigned by GSA/NARS, the edition date, the name of the promulgating/sponsoring agency, and, for Standard forms only, a citation of the agency regulation that requires its mandatory

use. Normally this citation will be located on the first page of the form in the lower right corner.

(1) Two sided forms shall bear the form number and edition date on both sides. In addition, the word "back" must appear on the reverse of the form.

(2) If the form is three or more pages, the second and succeeding pages will be identified by the form number, the page number, and the edition date.

(3) Placement of this identifying information on the pages of a multiple-page form is optional, depending on whether or not the form is to be bound.

(d) Notify using agencies of approved Standard or Optional form(s) by formal directive or announcement. The document prescribing the form shall include the following information: (1) Purpose; (2) form title; (3) form number; (4) edition date; (5) format (including a facsimile if possible); (6) preparation instructions; (7) intended use (mandatory or optional); (8) frequency of use; (9) number of copies; (10) guidance on use and disposition of present stocks; (11) the supply source; (12) when available, the approximate availability date; and (13) if the form is also a report, the interagency report control number and/or Office of Management and Budget (OMB) approval number.

§ 101-11.804-2 Cancellation of standard and optional forms.

The promulgating/sponsoring agencies and NARS have specific responsibilities in the area of cancellation. Standard and Optional forms are cancelled when:

(a) A promulgating/sponsoring agency believes a Standard or Optional form is no longer needed, and recommends its cancellation to NARS by submitting a Standard Form 152, a justification statement, and a draft of the proposed cancellation notice. NARS will inform the promulgating/sponsoring agency on the returned Standard Form 152 whether the recommendation is approved or disapproved.

(b) A promulgating/sponsoring agency notifies the using agencies of the cancellation, when approved by NARS, by publishing a cancellation notice in the Federal Register.

§ 101-11.805 Standard and optional forms/public reports.

In accordance with applicable OMB guidance, Standard and Optional forms that also require approval by the Office of Management and Budget (OMB) under 44 U.S.C. 3501-3513 because they are to be used to collect information from the public or are the basis of statistical compilations of general public

interest shall be submitted to OMB through NARS.

§ 101-11.806 Standard and optional forms coordination with interagency reporting approved by GSA/NARS.

As described in Subpart 101-11.11, NARS is responsible for approving interagency reporting requirements. Accordingly, when an agency plans to use new or revised Standard or Optional forms in conjunction with an interagency reporting requirement, the agency shall also submit a Standard Form 360, Request for Clearance of an Interagency Reporting Requirement.

§ 101-11.807 Interagency committee on medical records (ICMR) responsibilities.

The Interagency Committee on Medical Records (ICMR) is responsible for standardizing and initiating forms used as medical records. GSA shall promulgate and sponsor these forms.

§ 101-11.808 Clearance of medical forms.

The ICMR chairperson shall initiate, sign, and submit all medical form requests (§ 101-11.807) to GSA, Office of Human Resources and Organization, Forms Management Branch (HRAF), Washington, DC 20405. HRAF will forward the package to NARS for processing in accordance with § 101-11.804-1.

§ 101-11.809 Exceptions to standard forms.

The following is NARS-prescribed policy and procedure in the area of exceptions to Standard forms.

§ 101-11.809-1 Policy.

(a) Agencies shall request NARS approval for exceptions to Standard forms. Overprints are not exceptions. The procurement and use of overprinted forms is at agency discretion and must be limited to quantities that are cost effective.

(b) Reproduction and stocking of approved exceptions to Standard forms is the responsibility of the requesting agency. (See FPMR 101-26.302.)

(c) Exceptions become void when the affected Standard form is revised by the promulgating agency, when the exception is altered, or, in the case of construction exceptions, when a usable standardized construction is stocked by the Federal Supply Service (FSS).

§ 101-11.809-2 Procedure.

(a) Agencies shall submit an exception request to NARS: Three copies of the proposed form, Standard Form 152, the justification, and, when available, the printing requisition. The justification shall explain the need and the reasons for the request (conclusive

evidence that the Standard form cannot be used for the agency's purpose, cannot be used as prescribed, cannot be used in the existing construction, or is not cost beneficial); the proposed Standard form alteration(s) or deviation(s); and the resultant cost benefits.

(b) In the case of content and format changes GSA/NARS shall review the request and send a copy to the promulgating agency for a recommendation of approval or disapproval. NARS shall review the recommendation and forward a copy of the Standard Form 152 indicating approval or disapproval to the requesting agency and to the promulgating agency.

(c) In the case of construction changes, NARS shall approve or disapprove the request and send copies of the signed Standard Form 152 to the requesting and promulgating agencies and to GSA, FSS, Standard Forms Management Section.

(d) Approved exceptions must bear the notation on each page "Exceptions to SF (number) approved by NARS (month) (year)" below or near the form number element.

(e) When an exception is approved, GSA/NARS will forward the printing requisition, if available, to GSA, FSS, Standard Forms Management Section.

§ 101-11.809-3 Review.

(a) GSA/NARS shall review and analyze exceptions periodically, coordinate findings with FSS, and recommend form content, format, and construction changes to the promulgating agency.

(b) The promulgating agency shall implement the recommended changes in accordance with established procedures.

§ 101-11.810 Employee suggestions.

In accordance with Federal Personnel Manual Chapter 451, employee suggestions that propose changes in the design, printing specifications, content, or use of a Standard or Optional form shall be sent to the promulgating/sponsoring agency for evaluation. The promulgating/sponsoring agency will provide NARS with a copy of its evaluation. New and revised Standard and Optional forms created as a result of employee suggestions shall be processed in accordance with procedures provided in § 101-11.804-1.

§ 101-11.811 Procurement of Standard Form 152.

Supplies of Standard Form 152 may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA

regional office that provides support for the requesting activity. The national stock number is 7540-00-935-4084.

§ 101-11.812 Procurement of stocks of Standard and Optional forms.

General procedures for procuring stocks of Standard and Optional forms are in § 101-26.302, Standard and Optional Forms.

Dated: April 30, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-10019 Filed 6-5-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 301

Child Support Enforcement Program; Withholding of Advance Funds for Not Reporting

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Proposed rule; supplemental notice.

SUMMARY: On January 6, 1981, the Department of Health and Human Services published a notice of proposed rulemaking in the *Federal Register* (Vol. 46, No. 3, page 1319) entitled "Withholding of Advance Funds for Not Reporting." In the preamble to that proposed regulation, HHS discussed forms for reporting expenditures and for reporting collections and distributions under the Child Support Enforcement program. The Office of Management and Budget (OMB) disapproved use of the specifically mentioned forms under the Paperwork Reduction Act (44 U.S.C. Chapter 35); their use is no longer required. Revised and simplified forms were submitted to OMB and have been approved under OMB numbers 0960-0235 and 0960-0238. States have been instructed that, with regard to current requirements in 45 CFR Part 301, they may claim reimbursement for

expenditures made during the quarters ending December 31, 1980, March 31, 1981 and June 30, 1981 either on the old forms or on the approved new forms to meet the requirements of law. The purpose of this supplemental notice is to make clear that any final action taken on the January 6 proposed rule will also reflect this change.

FOR FURTHER INFORMATION CONTACT:

Pera Daniels (301) 443-2910.

Dated: May 27, 1981.

John A. Svahn,

Director, Office of Child Support Enforcement.

[FR Doc. 81-10714 Filed 6-5-81; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-234; RM-3744; RM-3774]

FM Broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Texas; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of Comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of FM channels to Beaumont, Lake Jackson and Port Lavaca, Texas. Petitioner, KIKK, Inc., states that additional time is needed to coordinate showings of the parties thereto.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: Order Extending Time for Filing Comments and Reply Comments

Adopted: May 27, 1981.

Released: June 1, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Beaumont, Lake Jackson and Port Lavaca, Texas).

By the Chief, Policy and Rules Division.

1. On April 1, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 22008, published April 15, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments are June 1, and June 22, 1981, respectively.

2. On May 22, 1981, counsel for KIKK, Inc., (KIKK), the proponent of RM-3774, filed a request seeking an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to coordinate various showings being prepared by several consulting engineers and the comments of the parties regarding this proceeding, which is one of the several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site. Counsel states further that none of the parties herein has interposed an objection to the instant request.

3. Accordingly, it is ordered, That the time for filing comments and reply comments in BC Docket No. 81-234, are extended to and including June 10, and July 1, 1981, respectively.

4. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 81-16827 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 109

Monday, June 8, 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.

CIVIL AERONAUTICS BOARD

[Docket 39643]

Air Chicago Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 5, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., June 2, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-16692 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See 14 CFR 302.1701 et seq.) Week Ended May 29, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
5-27-81	39661	necessity for Route 197 authorizing it to engage in air transportation with respect to persons, property and mail at the point: Grand Rapids, Michigan Conforming Applications, motions to modify scope, and Answers may be filed by June 25, 1981. Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authorization to provide scheduled air transportation of persons, property and mail: Between any point or points within the United States and a point or points in Bahrain, Egypt, Greece, Kuwait, Oman, Qatar, and the United Arab Emirates. Conforming Applications, motions to modify scope, and Answers may be filed by June 25, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16691 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-6-4; Docket Nos. 38019 and 38961]

Wien Air Alaska Mainline and Bush Mail Rates Investigation; Intra-Alaska Class Service Mail Rates; Order Establishing Informal Conference

Issued under delegated authority June 1, 1981.

Several parties participating in the first informal conference held on December 3, 1980, in the above proceedings indicated their desire that there be a second informal conference before any orders establishing final rates in these proceedings were prepared. The staff expressed the view that the possibility of such a conference should await the submission of required data and comments, which the parties were directed to file on January 30, and March 20, respectively.¹

Data submissions were filed by six air carrier parties and the Postal Service. Comments on the data were filed by Wien Air Alaska, the Postal Service, Reeve Aleutian Airways and Kodiak Western Alaska. In addition, by letter dated May 21, 1981, the Postal Service requested that the Board permit the filing of reply comments, which were not authorized by the original procedures, in

¹ By Order 81-3-78, the due date for filing comments was May 1, 1981.

lieu of another conference. Specifically, it requested that (1) June 30, 1981, be established as the date for filing reply comments; (2) the filing of such comments be restricted to only those parties which filed initial comments; and (3) the Board proceed to issue an order to show cause and final rate order after reply comments had been reviewed.

By letter dated May 26, 1981, counsel for Alaska Airlines stated that his client supports the Postal Service's request for reply comments provided that (1) all parties, including those not filing initial comments, are permitted to file reply comments and (2) the due date for such comments is July 10, 1981, instead of June 30, 1981, as requested by the Postal Service. The letter also expressed the view that while "relatively indifferent", Alaska was not opposed to the establishment of a second conference.

While recognizing the desire of the Postal Service and other parties to proceed expeditiously, we believe, nonetheless, that a second conference will help to further clarify the issues and develop relevant information as well as to provide the Board with a better overall record for decision. Accordingly, the Bureau of Domestic Aviation will hold a conference on June 17, 1981, to amplify and supplement the data submitted by the parties and serve as the potential means for resolving any issues on which the parties believe they may be able to reach agreement. The views expressed in the comments indicate that the parties should be prepared to submit any necessary further information and discuss potential dispositions with respects to the following issues:

1. the cost weighting of non-priority mail over mainline sectors;
2. the appropriate directionality and circuitry standards for rate-making purposes;
3. the treatment of future rate adjustments; and
4. the proper rate of return on investment for the carriage of intra-Alaska Mail.

One other issue for discussion at the conference will be the Postal Service's apparent policy to prefer interline service to Alaskan bush points that is provided under subcontract

Date filed	Docket No.	Description
5-27-81	39657	Air Florida, Inc., 3900 N.W. 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests an amendment of its certificate of public convenience and

arrangements with the mainline carrier.² It is important, however, to clarify the intended scope of the conference's consideration of this issue. Since most of the parties have already filed comments on the issue of the legal validity of this interline restriction and, as previously indicated, the focus of this conference is primarily to develop information, the legal implications of the Postal Service's policy will not be a topic for discussion. Instead, the primary focus will be on information of a factual nature with respect to the distribution of mail destined for the bush, including the apportionment of such mail to new entrants.

Generally, the parties should be prepared to develop additional information on such matters as the methods and criteria used to select the subcontractors who are used to haul mail to the bush, the facilities available at bush destination hubs for mail storage and security, and the efficiencies of maintaining the current interline restriction vs. a policy which would permit interlining on the same basis used in the lower-48 states. Carrier and Postal Service personnel familiar with mail handling and distribution procedures within Alaska should be particularly helpful in discussing these matters and their participation is specifically encouraged.

As to the matter of reply comments, the requests of the Postal Service and Alaska for authority to file such comments are denied. The conference mechanism will afford adequate opportunity for the submission of data and views on matters already in the record, thus obviating the need for replies. If the parties believe that additional written comments are needed to supplement their oral presentations, the matter can be considered again.

Accordingly, 1. The Bureau of Domestic Aviation will hold a conference of the parties on the above-mentioned matters on June 17, 1981, at 10:00 a.m. in Room 910, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

2. This conference will be open to the public, but only the parties to Dockets 38019 and 38961 and the Board's staff will be permitted to participate;

3. The Assistant Director, Fares, Rates and Tariffs will preside at this conference and have the authority to rule on all procedural matters;

²In accordance with procedures adopted at the first conference Alaska Airlines, Munz Northern Airlines, Peninsula Airlines, and the Postal Service filed separate comments on this issue. Peninsula, Wien and the Postal Service filed replies. These comments focused primarily on the Postal Service's legal authority to prescribe interlining restrictions.

4. The provisions contained in 14 CFR 302.313 and 14 CFR 302.314 will apply to this conference;

5. The request of the Postal Service to forego a second informal conference in these proceedings is denied;

6. The requests of the Postal Service and Alaska Airlines for leave to file reply comments in these proceedings are denied;

7. A copy of this order will be served on Alaska Airlines, Alaska International Air, Kodiak-Western Alaska Airlines, Munz Northern Airlines, Reeve Aleutian Airways, Peninsula Airlines, Sea Airmotive, Wien Air Alaska and the Postmaster General.

This order will be published in the **Federal Register**.

Persons entitled to petition the Board for review of this order under the Board's Regulations, 14 CFR 385.50, may file their petitions within 10 days of the date of service of this order.

This order shall become effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within that period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

Norman D. Schwartz,

*Assistant Director, Fares, Rates and Tariffs
Bureau of Domestic Aviation.*

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-16866 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39158]

Wings International Airways Fitness Investigation; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on July 1, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned judge.

Dated at Washington, D.C., June 2, 1981.

John M. Vittono,

Administrative Law Judge.

[FR Doc. 81-16863 Filed 6-5-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

California State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and

Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00428. Applicant: California State University, Fullerton, 800 N. State College Blvd., Fullerton, CA 92634. Article: 501B Nanosecond Light Source with Observation PMT. Manufacturer: Photochemical Research Assoc., Inc., Canada. Intended use of article: See Notice of page 76721 in the **Federal Register** of November 20, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency stability of 0.1% and an amplitude stability of 5% as well as a pulse width equal to 2.6 nanoseconds. The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-16862 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Belgium; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Belgium. The scope of the review is limited to the only known exporter, Fabelta Zwijnaarde N.V., and to the period January 1, 1978 through November 30, 1980. The review disclosed no shipments to the United States of this merchandise during this time period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-337-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On November 27, 1978, an antidumping finding with respect to viscose rayon staple fiber from Belgium was published in the Federal Register as Treasury Decision 78-469 (43 FR 55240). 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 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 of viscose rayon staple fiber from Belgium.

Scope of the Review

This review covers imports of viscose rayon fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments).

These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known Belgian exporter of this merchandise to the United States is Fabelta Zwijnaarde N.V. The review covers the period January, 1978 (the month of suspension of liquidation) through November 30, 1980. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48 (b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 57.6%, based on the fair value weighted-average margin for Fabelta Zwijnaarde N.V., shall be required on all shipments of viscose rayon staple fiber from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of 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 and notice are in accordance with section 751(a) (1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary Import Administration.

June 1, 1981.

[FR Doc. 81-16833 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit

On April 23, 1981, Notice was published in the Federal Register (46 FR 23098), that an application had been filed with the National Marine Fisheries Service by District Engineer-Corps of Engineers, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106 to capture, weigh, measure, tag, stomach sample, and release shortnose sturgeon (*Acipenser brevirostrum*) in the Delaware River; and to collect eggs and

larvae from spawning areas.

Notice is hereby given that on June 3, 1981, and as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Scientific Purposes Permit for the above taking to the Philadelphia District Engineer-Corps of Engineers, subject to certain conditions set forth therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Act.

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, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: June 3, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-16816 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit To Take Endangered Species

On March 30, 1981, Notice was published in the Federal Register (46 FR 19293), that an application had been filed with the National Marine Fisheries Service by LGL Environmental Research Associates, Sidney British Columbia, Canada, for a Scientific Research and Scientific Purposes permit to take up to 250 bowhead whales by harassment.

Notice is hereby given that on June 1, 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 LGL Environmental Research Associates 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; (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, N.W. Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 1, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81-10917 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit To Take Marine Mammals

On April 27, 1981, Notice was published in the *Federal Register* (46 FR 23513), that an application had been filed with the National Marine Fisheries Service by Dr. Louis Rigley, Wilkes-Barre Pennsylvania, for a Scientific Research Permit to take up to 25 bottlenose dolphins by harassment annually for a period of four years.

Notice is hereby given that on June 3, 1981, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to Dr. Louis Rigley subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: June 3, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-10918 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-22-M

Maritime Administration

[Docket No. S-691]

Moore McCormack Lines, Inc., Moore McCormack Bulk Transport, Inc., and Lachmar; Application

Notice is hereby given that Moore McCormack Lines, Inc. (Mormac) and Moore McCormack Bulk Transport, Inc. (Mormac Bulk) by application of June 3, 1981 have applied for written permission under section 805(a) of the Act for affiliated companies to own and operate either the 125,000 m³ LNG tanker LAKE CHARLES or her sister ship LOUISIANA for one voyage in the domestic coastwise trade. Notice is also hereby given that Lachmar, by application dated June 3, 1981 as owner of both of the above vessels, both of which were built with construction-differential subsidy (CDS) has applied for written permission under section 506 of the Act for the temporary employment of either of the vessels in the domestic trade.

Lachmar has served notice that it intends to have either of the above vessels make a single voyage from Boston to Elba Island, Savannah with a load of approximately 77,000 m³ of LNG with scheduled loading dates of June 26 to July 6.

Morgas, Inc. which is a 20 percent partner in Lachmar, and Gastrans, Inc. the operator of both the LAKE CHARLES and the LOUISIANA, are both subsidiaries of Moore McCormack LNG Transport, Inc. which is itself a subsidiary of Moore McCormack Resources, Inc. (Resources). Mormac and Mormac Bulk, both holders of long-term operating-differential subsidy (ODS) contracts, are also subsidiaries of Resources.

It is Lachmar's belief that no non-CDS vessels of suitable capacity required to perform the voyage are available to load on or about June 26.

While publication of notice with respect to permission under section 506 is not required, the Maritime Administration believes it is appropriate to provide an opportunity for interested parties to comment on the application.

Any person, firm, or corporation having any interest in such application and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on June 15, 1981. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program Nos. 11.504 Operating-Differential Subsidies (ODS) and 11.600 Construction-Differential Subsidies (CDS))

By Order of the Assistant Secretary for Maritime Affairs.

Date: June 5, 1981.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 81-17128 Filed 6-5-81; 12:40 pm]

BILLING CODE 3510-15-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for the Disposal of Dredged Material in the Atlantic Ocean off the Mouth of the Chesapeake Bay (Referred to as the Norfolk Disposal Site)

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The proposed action is the designation of an open water disposal site for dredged material from the Hampton Roads and lower Chesapeake Bay Channels, Virginia. The site is located approximately 15 nautical miles east of the Chesapeake Bay entrance. The area is circular in shape with a 4 nautical mile radius centered at 36°59'N and 75°39'W. The Norfolk District is currently using an open water disposal site approximately 3 nautical miles east of Virginia Beach, Virginia. This is known as the Dam Neck Disposal Area.

2. Alternatives to be studied in this statement include the continued use of the Dam Neck Disposal Area, the cessation of all ocean dumping activities, and the various sites considered for the disposal area, including onshore disposal areas.

3a. The scoping process for the statement will be concluded during the 60 days following the date of this notice. The comments of interested Federal, State, and local agencies as well as organized groups and private individuals are requested before this time limit expires so that scheduling of any additional studies pertinent to the EIS can be done. If any group or person desires additional time for comments, please contact Norfolk District as soon as this requirement is evident.

3b. A variety of investigations have been underway for several years in order to determine the suitability of material from the Hampton Roads Channels and the lower Chesapeake Bay for ocean disposal. In addition, these investigations included the collection of background environmental data from the possible disposal area site and the management of the existing Craney Island Disposal Area for material not suitable for ocean disposal. The sources of material to be disposed of and the effect of the disposal of this material on the selected area will also be addressed. Any possible archeological and historical impacts of these proposed actions are also being investigated and will be addressed in the DEIS.

3c. Requests will be made of the following Federal and State agencies for assistance within their area of expertise during the scoping portion of the draft statement's preparation.

The U.S. Environmental Protection Agency
The National Oceanic and Atmospheric Administration
The National Marine Fisheries Service
The Virginia State Water Control Board
The U.S. Fish and Wildlife Service
The Virginia Department of Health
The Virginia Marine Resources Commission
The Virginia Institute of Marine Science

The U.S. Environmental Protection Agency (EPA) has had an integral role in developing the testing program for this action during the past several years. The EPA is expected to continue to provide close coordination throughout the EIS process. Other Federal and State agencies may be requested to provide information for the draft document if necessary.

3d. Future environmental review and consultation may be required for

projects using the proposed ocean disposal area but the preparation and evaluation of the Draft and Final Environmental Impact Statement is expected to fulfill all immediate environmental coordination.

4. An interagency meeting involving Federal and State environmental agencies will be held in lieu of a formal scoping meeting. A meeting will be held by Norfolk District during the next 60 days. These meetings may continue during the writing of the draft document if the need exists.

5. It is estimated that the Draft Environmental Impact Statement will be available for public review within six (6) months following the date of this notice.

Address: Questions concerning the proposed action and the DEIS can be answered by: Norfolk District, Corps of Engineers, James D. Haluska, Oceanographer, NAOEN-RE, 803 Front Street, Norfolk, VA 23510; Telephone (804) 441-3767, FTS 827-3767.

Dated: May 29, 1981.

John O. Roach, II,
Army Liaison Officer with the Federal Register.

(FR Doc. 81-16943 Filed 6-5-81; 8:45 am)
BILLING CODE 3710-EN-M

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Project Designed To Provide Beach Erosion Control and Hurricane Protection Along the Chesapeake Bay Shoreline in the City of Norfolk, Virginia

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The 7.3 miles of shoreline along the southern shore of the Chesapeake Bay from the tip of Willoughby Spit to the entrance to Little Creek Inlet has been experiencing damage problems caused by storm tides and waves, and coastal erosion. Except for a few hundred feet adjacent to Little Creek Inlet the entire shoreline is within the limits of the city of Norfolk. The remaining segment is a part of the city of Virginia Beach. The flood plain included in the area of investigation is approximately 8.4 square miles of the northern section of the city of Norfolk. The Draft EIS will consider the impacts of remedial actions aimed at beach erosion control and hurricane protection in the project area.

2. Alternatives to be considered in this statement include no action; structural measures including artificial beach

nourishment, groins, offshore breakwaters, seawalls, bulkheads and revetments, dune construction, etc. and non-structural measures including permanent evacuation, land acquisition, flood plain ordinances, etc.

3a. The scoping process for this statement will take place during the 4 months following the date of this notice of intent. The comments of interested Federal, State, and local agencies as well as organized groups and private individuals are requested before this time limit expires so that scheduling of studies pertinent to this EIS can be done.

3b. Investigations are currently underway which will identify and evaluate impacts of the considered plans on the environmental, social, historical and cultural resources of the study area. Significant issues to be considered in the DEIS include possible long and short term environmental impacts associated with structural alternatives including the removal of sand from borrow areas, sand nourishment activities along beach and intertidal areas, and development of sand dunes, breakwaters and other backshore and offshore features.

3c. Requests will be made of the following Federal and State agencies for assistance within their area of expertise during the scoping portion of the Draft statement's preparation:

The U.S. Fish and Wildlife Service
The National Marine Fisheries Service
The U.S. Environmental Protection Agency
The Virginia State Water Control Board
The Virginia Department of Health
The Virginia Marine Resources Commission
The Virginia Institute of Marine Science

The U.S. Fish and Wildlife Service has provided comments and suggestions concerning this action during the past several years, and is expected to maintain this role throughout the EIS process. Other Federal and State agencies may be requested to provide information for the draft document if necessary.

3d. Further environmental review and consultation may be required should there be any future changes in the project but the preparation and evaluation of the Draft and Final Environmental Impact Statement is expected to fulfill all immediate environmental coordination.

4. An interagency meeting involving Federal and State environmental agencies will be held in lieu of a formal scoping meeting. This meeting is expected to be held at the Norfolk

District Corps of Engineers within 3-4 months of the date of this notice.

5. It is estimated that the Draft Environmental Impact Statement will be available for public review within 1 year following the date of this notice.

Address: Questions about the proposed action and DEIS can be answered by: District Engineer, Norfolk District, Corps of Engineers, ATTN.: Craig Seltzer, Oceanographer, NAOEN-RE, 803 Front Street, Norfolk, Virginia 23510.

Dated: May 29, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-16814 Filed 6-5-81; 8:40 am]

BILLING CODE 3710-EN-M

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held from 9:30 AM to 5:00 PM, June 29, 1981 and from 9:30 AM to approximately 1:00 PM, June 30, 1981 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to orient Committee members regarding their duties and responsibilities; to review the development and calibration of the Armed Services Vocational Aptitude Battery Forms 8, 9, and 10; and to plan the agenda for the next Committee meeting scheduled for October 27 and 28, 1981 in San Antonio, Texas.

Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. W.S. Sellman, Executive Secretary, Defense Advisory Committee on Military Personnel Testing, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Room 2B269, The Pentagon, Washington, D.C. 20301, telephone (202) 695-5525 no later than June 19, 1981.

M.S. Healy,

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

June 2, 1981.

[FR Doc. 81-16839 Filed 6-5-81; 8:45 am]

BILLING CODE 3610-70-M

Membership of the Inter-Defense Agency Performance Review Board

AGENCY: Office of the Secretary, DOD.

ACTION: Notice of the membership of the Inter-Defense Agency Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Agencies (Defense Audit Service, Defense Communications Agency, Defense Logistics Agency, Defense Mapping Agency, and the Defense Nuclear Agency). The publication of PRB membership is required by 5 U.S.C. 4313(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon. (202) 695-4573 or 695-9313.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective the date of this notice

M. S. Healy,

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

June 3, 1981.

Inter-Defense Agency Performance Review Boards

Defense Audit Service

CURRY, James H., Deputy Director, Defense, Audit Service
RUSS, Richard T., Associate Director, Special Program Audits
MELING, Merle A., Associate Director, Financial, Management and Manpower Audits
THOMAS, William F., Associate Director, Systems and Logistics Audits
KEESE, William K., Associate Director, Intelligence and Communications Audits

Defense Communications Agency

SIGNORI, David, Deputy Worldwide Military, Command and Control Systems, Systems Engineer (Systems Definition & Analysis)
BURGETT, Monte I., Associate Deputy Director for Research and Technology
CAIN, Marshall L., Assistant Manager, National Communications Systems, Technology and Standards

CAMPBELL, Bruce J., Assistant Manager, National Communications Systems, Plans and Operations
CLEAVELAND, Richard G., Technical Director, UAMHS Projects Management Office
GOERTZEL, Herbert B., Deputy Director for WWMCCS, ADP Technical Support
HARSHBARGER, Robert E., Assistant Deputy Director, National Military Communications System Automated Data Processing
HELMS, Robert, Comptroller
ISRAEL, David R., Worldwide Military Communications and Control System Systems Engineer
LAVEAN, Gilbert E., Chief, Systems Engineering
LEBOW, Irwin L., Chief Scientist and Associate Director
LEVINE, Robert H., Deputy Director, Defense Communications Engineering Center
LYONS, Robert E., Chief, Computer and Software Systems Division
MIQUELON, David S., Deputy Worldwide Military Communications and Control System Systems Engineer-Europe
MORRIS, Benham E., Deputy Director, Communications and Control Technical Center
PASQUARIELLO, Camillo J., Chief, Systems Plans and Programs Division
PUCCIARELLI, Samuel D., Assistant Deputy Director for Computer Services
RAFFENSPERGER, Maurice J., Senior Advisor for Technology
SELVAGGI, Phillip S., Chief Interoperability and Standards Division
THOMPSON, Martin A., Chief, Switched Systems Division
WHEALEN, John T., General Counsel
MILGRAN, Edith, Chief, Worldwide Military Command and Control Systems, Information System Office
DiNUCCI, Richard, Deputy, WWMCCS System Engineer

Defense Contract Audit Agency

OYER, Darrel J., Assistant Director, Resources
LOGSDON, Ray E., Assistant Director, Plans and Policy
STARRETT, Charles O., Jr., Deputy Director
QUILL, John J., Counsel
BROWN, James R., Assistant Director, Operations and Professional Development
EVANS, Paul, Regional Director, Atlanta
REED, William, Regional Director, Boston
HUBBARD, Robert B., Regional Director, Chicago

MIRCH, Patrick D., Regional Director,
Los Angeles
DELLA BERNARDO, H., Regional
Director, Philadelphia
TOPP, Bernard, Regional Director, San
Francisco

Defense Investigation Service

O'DONNELL, Bernard, Director, Defense
Intelligence Service
VACANT, Director of Operations

Defense Logistics Agency

CASSELL, William J., Comptroller,
Defense Logistics Agency
JONES, James R., Sr., Chief, Operations
Budget Division
BORDLEY, Robert G., Chief, Accounting
and Finance Division
KABEISEMAN, Karl W., Counsel,
Defense Logistics Agency
QUIGLEY, Gary P., Associate Counsel,
Defense Logistics Agency
CHIESA, Raymond, Executive Director,
Contracting
DUKE, John T., Chief, Plans and Policy
Division
FOGLE, Grover D., Chief, Contracts
Division
MACLIN, James, Deputy Executive
Director, Supply Operations
HARVEY, Mary Ellen, Chief, Logistics
Programs Division
BRUNER, Richard G., Executive
Director, Technical and Logistics
Services

ARNOLD, Robert, Chief, Property
Disposal Division
MOORE, Donald E., Deputy Executive
Director, Quality Assurance
GORDON, William V., Executive
Director, Contract Management
HUDSON, Anthony W., Staff Director,
Personnel
DELLAS, Raymond W., Staff Director,
Small and Disadvantaged Business
Utilization
SAUTER, Hubert E., Administrator,
Defense Technical Information Center

Defense Mapping Agency

ANDERSON, Allen E., Assistant Deputy
Director for Programming
AYERS, Lawrence F., Deputy Director
for Programs, Production and
Operations
BOALE, George D., Director of
Personnel
DAUGHERTY, Kenneth I., Technical
Director, DMA Hydrographic/
Topographic Center
GILLIAM, Penman R., Deputy Director
for Programs, Production and
Operations
MACOMBER, Mark M., Technical
Director, DMA Aerospace Center
MANCINI, Armando, Deputy Director
for Systems and Techniques
MARTIN, Charles F., Chief, Advanced
Technology Division

RHODES, Albert N., Chief, Program/
Budget Division (Deputy Comptroller)
ROTH, Frank E., Assistant Deputy
Director, Production and Distribution
VAUGHN, John R., Comptroller
WEBB, Joe E., Chief, Acquisition
Systems Development Division
WILLIAMS, Owen W., Deputy Director,
Management and Technology
DURBIN, William P., Deputy Director,
Programs, Production and Operations
SEPPELIN, Thomas O., Assistant Deputy
Director for Plans and Requirements

Defense Nuclear Agency

CAREW, Paul, Comptroller
CONRAD, Edward, Deputy Director
(Science and Technology)
FITZ, Harold, Chief, Electronics
Vulnerability Division
KNOWLES, Cyrus, Assistant Deputy
Director—Science and Technology
(Testing)
OSWALD, Robert, Assistant Deputy
Director—Science and Technology
(Theoretical Research)
SEVIN, Eugene, Assistant to the Deputy
Director (Science and Technology) for
Experimental Research
SOPER, Gordon, Scientific Assistant to
Deputy Director (Science and
Technology)
STILL, Edwin T., Assistant to the
Director (Biomedical Effects)

[FR Doc. 81-10940 Filed 6-5-81; 8:45 am]

BILLING CODE 3810-70-M

**Membership of the Office of the
Secretary, of Defense (OSD)
Performance Review Board**

AGENCY: Office of the Secretary DOD.

ACTION: Notice of the membership of the
Office of the Secretary of Defense
Performance Review Board.

SUMMARY: This notice announces the
appointment of the members of the
Performance Review Board (PRB) of the
Office of the Secretary of Defense, Field
Activities, the Organization of the Joint
Chiefs of Staff, the U.S. Court of Military
Appeals, and the U.S. Mission to NATO.
The publication of PRB membership is
required by 5 U.S.C. 4313(c)(4).

The Performance Review Board
provides fair and impartial review of
Senior Executive Service performance
appraisals and makes recommendations
regarding performance and performance
awards.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT:
Mrs. Sharon B. Brown, Chief, Senior
Executive Service Division, Directorate
for Personnel & Security, WHS Office of
the Secretary of Defense, Department of
Defense, The Pentagon (202) 695-4573 or
695-9313.

SUPPLEMENTARY INFORMATION: In
accordance with 5 U.S.C. 4314(c)(4), the
following are names and titles of the
executives who have been appointed to
serve as members of the Performance
Review Board. They will serve a one-
year renewable term, effective the date
of this notice.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense,
June 3, 1981.*

**Office of the Secretary of Defense
Performance Review Board**

Immediate Office

PURITANO, Vincent, The Executive
Assistant to The Deputy Secretary of
Defense
DOLVIN, Welborn G., Deputy
Negotiator for the Department of
Defense for Panama Canal Treaty
Affairs and Joint Chiefs of Staff
Representative, Mutual and Balanced
Force Reductions Negotiations

Small Business

LEFTWICH, Norma B., Director, Small
and Disadvantaged Business
Utilization
WILLIAMS, Arthur F., Director,
Disadvantaged Business Utilization
Policy
FELSHER, Hal C., Director of Small
Business and Economic Utilization
Policy

IG Defense Intelligence

MICHEL, Werner E., Inspector General
for Defense Intelligence

OUSD Policy

IKLE, Fred C., Under Secretary of
Defense for Policy

Net Assessment

MARSHALL, Andrew W., Director of
Net Assessment

Policy Planning

ESTES, Charles E., Jr., Director, Strategic
Policy
SCHNEITER, George R., Deputy
Director, DOD SALT Task Force
MINICHELLO, Lee, Assistant Deputy
Director for Strategic Systems and
Senior OSD Advisor (Salt Overseas
Element)
SCHILLING, David M., Director, General
Purpose Forces Policy
BLAKER, James R., Personal
Representative of the Secretary of
Defense on the Mutual and Balanced
Force Reductions Negotiations
FINCH, Louis C., Director, Mutual and
Balanced Force Reductions Task
Force

OUSD (Policy Review)

STILWELL, Richard G., Deputy Under Secretary of Defense (Policy Review)
 STIVERS, Ronald H., Assistant Deputy Under Secretary of Defense (Policy Review)
 WEISS, Gus W., Jr., Special Assistant for Space Policy Coordination
 LIOPIROS, Kostas J., Director, Communications, Command and Control Policy
 SNIDER, L. Britt, Director, Counterintelligence and Security Policy
 VAN COOK, Arthur F., Director, Information Security
 O'BRIEN, Thomas J., Director, Security Plans and Programs

OASD (ISA)

KOCH, Noel C., Principal Deputy Assistant Secretary of Defense (International Security Affairs)
 BARRINGER, Philip E., Director, Foreign Military Rights Affairs
 GAFFNEY, Henry H., Jr., Director, Near Eastern and South Asian Region
 ARMITAGE, Richard L., Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)
 BADER, George W., Deputy Director, European and NATO Affairs
 LIGON, Walter B., Director, Security Assistance Plans and Requirements
 GROTH, Carl H., Jr., Director, International Economic Affairs
 FROST, Ellen L., Director, Defense Procurement Task Force

OATSD (AE)

WADE, James P., Assistant to the Secretary of Defense (Atomic Energy)/Chairman, Military Liaison Committee to DoE
 BUTLER, Gunning, Jr., Staff Specialist for Arms Control Assessment
 BERENSON, Paul J., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Assessment)
 TOBRINER, Matthew W., Senior Analyst for Long Range Resource Planning
 MICHAEL, Louis G., Deputy Assistant to the Secretary of Defense (Atomic Energy) (Long Range Resource Planning)

OUSDR&E

DELAUER, Richard D., Under Secretary of Defense for Research and Engineering
 SULLIVAN, Gerald D., Staff Specialist for International Programs and Policy
 THOMAS, Ronald D., Director for Program Control and Administration
 MITTINO, John A., Director, Materiel Acquisition Policy
 GROVE, H. Mark, Staff Specialist, Defense System Computer Resources and Electronics

DONNELLY, Richard E., Deputy Director, Production Resources
 TRIMBLE, Robert F., Director (Contracts and Systems Acquisition)
 FISHER, Herbert L., Deputy Director, Contract Placement and Administration
 BRANNAN, James T., Deputy Director, Defense Acquisition Regulatory System
 KENDIG, John L., Deputy Director (Cost, Pricing and Finance)
 SMITH, John E., Director, Major Systems Acquisition
 MILLBURN, George P., Special Assistant to Deputy Under Secretary (Research and Advanced Technology)
 FEINSTEIN, Joseph, Director, Electronics and Physical Sciences
 MUSA, Samuel A., Staff Specialist for Electronic Warfare and Target Acquisition
 SUMNEY, Larry, Staff Specialist, Electronic Device and Integrated Circuit Technology
 MacCALLUM, John M., Jr., Staff Specialist for Search and Surveillance
 DASHIELL, Thomas R., Staff Specialist for Chemical Technology
 MAKEPEACE, Gershon R., Director (Engineering Technology)
 SIEWERT, Raymond F., Jr., Staff Specialist for Aeronautics and Hydronautics
 THORKILDSEN, Ray, Staff Specialist for Ordnance
 PERSH, Jerome, Staff Specialist for Materials and Structures
 KOPCSAK, George C., Staff Specialist, Weapons Technology
 AIREY, John R., Director, Directed Energy Programs
 LYNN, Verne L., Director, Defensive Systems
 WINTER, William H., Staff Specialist for Defensive Systems
 BERTAPELLE, Arthur H., Staff Specialist, Early Warning and Attack Assessment
 MULLEN, James F., Director, Cruise Missile Systems
 ATKINS, Marvin C., Director (Offensive and Space System)
 RUFFINE, Richard S., Staff Specialist for Technology and Analysis (Offensive Systems)
 JONES, Thomas K., DUSD (Strategic & Space Systems)
 HARDISON, David C., Deputy Under Secretary of Defense Research and Engineering (Tactical Warfare Programs)
 MINNEMAN, Milton J., Special Assistant for Plans and Analysis
 CHEN, Martin F., Staff Specialist for Interdiction/Naval Strike
 BERNARD, Charles W., Director, Office of Land Warfare
 HORTON, Cyril F., Staff Specialist for Close Combat Systems

O'NEIL, William D., III, Director, Naval Warfare
 MCKINNEY, Edward J., Staff Specialist for Anti-Submarine and Undersea Surveillance
 ANDERSON, David L., Staff Specialist for Tactical Ocean Surveillance and Electromagnetic Technology
 TRANSUE, John R., Director, Office of Air Warfare
 WILLIAMS, O. Charles, Jr., Staff Specialist, Close Air Support/Battlefield Interdiction
 LINDER, Isham W., Director, Defense Test and Evaluation
 GREENLEE, Donald R., Staff Specialist for Strategic and Naval Warfare Systems
 RICHARDSON, William A., Deputy Director for Test Facilities and Resources
 WATT, Charles K., Deputy Director, Test and Evaluation for Strategic and Naval Warfare Systems
 LOMACKY, Oles, Director, Technology Trade
 MINTZ, Jeanne S., Special Assistant for Planning and Requirements
 KAPPER, Francis B., Director, Technology Export
 GREINKE, Everett D., Director for NATO/European Affairs

OASD (C3I)

QUINN, Thomas, Deputy Assistant Secretary of Defense (Communications, Command and Control)
 TURNER, Robert D., Special Assistant for Technical Plans and Research
 SOLOMON, David L., Deputy Assistant Secretary of Defense (Technical Policy and Operations)
 SALTON, George L., Director, Communications Systems
 HAMILTON, Dale L., Staff Specialist for Satellite Communications Systems
 FACEY, Albert G., Jr., Staff Specialist for Switched and Special Purpose Communications Systems
 BABCOCK, James H., Deputy Assistant Secretary of Defense (Intelligence)
 TETHER, Anthony J., Director, National Intelligence System
 CITTADINO, John C., Director, Combat Support
 PORTER, John M., Director, Electronic Warfare and C3 Countermeasures
 MARQUIS, Dennis C., Special Assistant for NATO and European Theater Command and Control
 KELLER, Michael I., Senior Staff Specialist for Electronic Subsystems Integration and Standardization
 THOMAS, Reynold, Jr., Staff Specialist for WWMCCS and Other C3 Systems Architecture

- STARR, Stuart H., Director, Systems Research and Evaluation
- SULLIVAN, Alden P., Director, C3 Resources
- HOWE, Richard G., Staff Specialist, Tactical Command and Control
- WALKER, Stephen T., Director, Information Systems
- LEWIS, William, Staff Specialist for Electronic Warfare and C3 Countermeasures
- HAWKINS, Charles A., Jr., Director, Tactical Intelligence Systems
- DARPA**
- POSSUM, Robert R., Director, Defense Advanced Research Projects Agency
- ROMNEY, Carl F., Deputy Director for Research
- PHILLIPS, William J., Director, Tactical Technology Office
- CHARVONIA, David A., Director, DARPA Regional Office, Europe
- SEPUCHA, Robert C., Assistant Director for Space Defense Technology
- MANGANO, Joseph A., Assistant Director for Technology, Directed Energy Office
- TANIMOTO, Douglas H., Director, Directed Energy Office
- CHAPMAN, Ray E., Director, Program Management Office
- GOODWYN, James C., Deputy Director, Program Management Office
- KAHN, Robert E., Director, Information Processing Techniques Office
- LEVINTHAL, Elliot C., Director, Defense Sciences Office
- VANREUTH, Edward C., Assistant Director, Material Sciences
- REYNOLDS, Richard A., Deputy Director, Defense Science Office
- FIELDS, Craig I., Assistant Director, for Cybernetics Technology
- THOMAS, Carl M., Director, Strategic Technology Office
- PIKE, H. Alan, Deputy Director, Directed Energy Office
- TEGNELIA, James A., Jr., Deputy Director, Tactical Technology Office
- WILLIS, Nicholas, Assistant Director for Target Acquisition and Engagement
- WHITMAN, Edward, Director for Ocean Monitoring and Control
- HANSEN, John W., Deputy Director, Strategic Technology Office
- SCOTT, Richard U., Director, DARPA Regional Office, Pacific
- MRA&L**
- KORB, Lawrence J., Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)
- JULIANA, James N., Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)
- SHOREY, Russell R., Special Assistant for Weapon Support
- GROOVER, Charles W., Deputy Assistant Secretary of Defense (Requirements, Resources and Analysis)
- CULOSI, Salvatore, Director for Logistics, Program/Budget and Analysis
- COMPTON, James, Director, International Logistics and Support Analysis
- SICILIA, Thomas G., Director, Research & Data
- BERGMANN, Walter B., II, Director, Resource Management and Analysis
- VALDES, William C., Deputy Assistant Secretary of Defense (Civilian Personnel Policy)
- EARICH, Douglas R., Director, Management Studies
- HAUGHTON, Claiborne D., Jr., Director of Compliance
- MARTIN, Albert J., Jr., Director for Accession Policy
- BRINKERHOFF, John R., Special Assistant to Deputy Assistant Secretary of Defense (Reserve Affairs)
- STONE, Robert A., Deputy Assistant Secretary of Defense (Program Management)
- FARBROTHER, Douglas, Staff Director (Program Management)
- TILLSON, John, Director, Manpower Management
- FTTES, Jeanne B., Director, Intergovernmental Affairs
- TUCKER, Alvin, Director for Training and Education
- DONOVAN, Paul, Director, Mobilization and Deployment Planning
- RILEY, Paul H., Deputy Assistant Secretary of Defense (Supply, Maintenance and Transportation)
- ALTIZER, Harrell B., Director for Supply Management Policy
- SHRIBER, Maurice, Staff Director/Director Supply Policy and Programs
- MOORE, Robert J., Staff Director, Materiel Management Systems Division
- HYMAN, Paul J., Director, Transportation and Distribution Policy
- MOORE, Robert H., Staff Director, Transportation Systems Division
- TURKE, Joseph G., Director for Maintenance Policy
- SMILEY, Orville L., Director, Automated Systems
- FLIAKAS, Perry J., Deputy Assistant Secretary of Defense (Installations and Housing)
- ROLLENCE, John F., Director for Facilities Programming
- ROGNER, E. A., Director for Installation Management and Planning
- BUZALSKI, Ernest A., Director, Base Requirements and Utilization
- MARSHALL, Mortimer M., Director for Construction Standards and Design
- SHEEHAN, William J., Senior Advisor to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) and to the Director, Office of Economic Adjustment
- WINSHURST, Thomas H. E., Assistant Director for Operations
- MARIENTHAL, George, Deputy Assistant Secretary of Defense (Energy, Environment and Safety)
- NELSON, Wayne S., Director for Safety and Occupational Health Policy
- SHARKEY, William J., Jr., Director for Energy Policy
- SINGER, Neil M., Director, Special Projects
- LACY, James L., Director, Organizational Programs
- MEEHAN, Patrick J., Director, Housing Program
- COAKLEY, William F., Director, Overseas and Nonappropriated Fund Personnel Management
- OEA**
- LYNCH, John, Economic Advisor
- RAUNER, Robert, Deputy Director, Office of Economic Adjustment
- DoDDS**
- CARDINALE, Anthony, Director, DoD Dependent Schools
- KILLIN, Edward C., Director, Pacific Region DoDDS
- ASD(LA)**
- ROURKE, Russell A., Assistant Secretary of Defense (Legislative Affairs)
- STEMPLER, Jack L., Assistant to the Secretary of Defense (Legislative Affairs)
- OASD(C)**
- BORSTING, Jack R., Assistant Secretary of Defense (Comptroller)
- SOVEREIGN, Michael G., Director, Special Projects Group
- LOSE, Graydon I., Special Assistant to the Assistant Secretary of Defense (Comptroller)
- QUETSCH, John R., Principal Deputy Assistant Secretary of Defense (Comptroller)
- ROSEN, E., Deputy Assistant Secretary of Defense (Management Systems)
- KRAFT, Herbert H., Jr., Principal Assistant to the Deputy Assistant Secretary of Defense (Management Systems)
- CREHAN, John T., Director for Accounting Policy
- MCCARTY, Thomas F., Director for Cost Accounting Policy
- SAYLOR, James W., Director, Financial Accounting Policy
- MULCAHY, Kenneth C., Director, Policy Promulgation Division

TOULME, Clarence V., Director for Banking, International Finance and Professional Development
 CARABELLO, John M., Director for Data Automation
 LEARY, William H., III, Associate Director, Data Automation
 SCOTT, Winfield S., Director for Management Information Control and Analysis
 SCHMIDT, Raymond E., Deputy Comptroller for Audit Policy
 WOEHRLE, Charles D., Director for Internal Audit Policy
 SHYCOFF, Donald B., Director for Operations
 McLAUGHLIN, Frank I., Deputy Director for Operations
 GLAISTER, Clyde O., Director for Program and Financial Control
 MELCHNER, John W., Deputy Director for Program and Financial Control
 EATON, Nelson W., Deputy Director for Research and Development
 HESSLER, David J., Director for Research and Development
 SOUTH, Allen D., Director for Construction
 BEACH, John W., Director for Plans and Systems
 HARSHMAN, Richard A., Director for Procurement
 TRODDEN, Stephen A., Deputy Director for Procurement
 DUBE, Lawrence P., Director for Military Personnel
 COOKE, David O., Deputy Assistant Secretary of Defense (Administration)/Director, Washington Headquarters Services
 GOLDBERG, Alfred, Policy Analyst and Historian
 EHLERS, Arthur H., Jr., Director for Organizational and Management Planning
 CAVANEY, William T., Director, Defense Privacy Office/Executive Secretary, Defense Privacy Board
 LIEBERMAN, Robert J., Deputy Director for Plans and Systems

OASD(HA)

MOXLEY, John H., III, Assistant Secretary of Defense (Health Affairs)
 BEARY, John F., III, Principal Deputy Assistant Secretary of Defense (Health Affairs)
 McKENZIE, Vernon, Deputy Assistant Secretary of Defense (Health Systems)

OCHAMPUS

WOOD, Theodore D., Director, Office of the Civilian Health and Medical Program of the Uniformed Services

PA&E

CHU, David, Director, Program Analysis & Evaluation
 LEONARD, Michael, Deputy Assistant Secretary of Defense (Regional Programs)

TAPPARO, Frank A., Director, Asia Division
 DAVIS, Paul K., Director, Special Regional Studies Division
 MAJOR, Philip L., Director, Strategic Defensive and Theater Nuclear Forces Division
 PERIN, David A., Director, Strategic Offensive Forces and Arms Limitation Division
 MARGOLIS, Milton A., Deputy Assistant Secretary of Defense (Resource Analysis)
 MORGAN, John D., Director, Cost and Economic Analysis
 CHRISTIE, Thomas P., Deputy Assistant Secretary of Defense (General Purpose Programs)
 PENNINGTON, Arthur W., Director, Naval Forces Division
 FINSTERLE, James C., Director, Land Forces Division
 CROTEAU, Robert J., Director, Tactical Air Division
 CHRISTIE, Deborah P., Director, Mobility Forces Division

OASD (PA)

CATTO, Henry F. Jr., Assistant Secretary of Defense (Public Affairs)
 WELLES, Benjamin, Principal Deputy Assistant Secretary of Defense (Public Affairs)
 GOLDSMITH, John A., Special Assistant
 HINKLE, Charles W., Director, Freedom of Information and Security Review

AFIS

CRANSTON, Robert, Director, American Forces Information Service

OGC

TAFT, William H. IV, The General Counsel
 NIEDERLEHNER, Leonard, Deputy General Counsel
 TROSCHE, Dennis H., Assistant General Counsel (Logistics)
 BRISKIN, Manuel, Assistant General Counsel (Fiscal Matters)
 GILLIAT, Robert L., Assistant General Counsel (Manpower, Health and Public Affairs)

OATSD (Review & Oversight)

SHERICK, Joseph H., Assistant to the Secretary (Review and Oversight)

U.S. Mission to NATO

LEGERE, Laurence J., Defense Advisor, U.S. Mission to NATO
 CALAWAY, Paul R., Deputy Defense Advisor for Research, Engineering and Acquisition
 LOVELAND, Trafton, J., Director, Infrastructure and Logistics Division
 GONTAREK, Stanley J., Director, Communications and Electronics Division

WHS

SUNGENIS, Joseph, Director, Information Operations and Reports
 BECKER, Karl F., Director of Personnel and Security
 CRATCH, Geoffrey A., Director of Budget and Finance

International Military Activities Staff

SMITH, Homer D., Jr., Director of Logistics (International Staff)
 SPAULDING, Harry S., Director of Logistics (NAMSA)
 FEINBERG, Martin, Director of Finance, Central European Operating Agency (NATO Support Group)
 JEFFERSON, Ralph H., Deputy Civilian Commandant (NATO College)
 MARTIN, John D., Director, Nuclear Planning (International Staff)

OJCS

LESE, William G., Jr., Scientific and Technical Advisor to the Chief, SACA and Chief, Technical Support Division

DSAA

VON MARBOD, Erich, Deputy Director, Defense Security Assistance Agency
 MORRIS, Herbert K., Comptroller
 MURRELL, Billy C., Deputy Comptroller, DSAA
 RUDD, Glenn A., Director, Security Assistance Operations
 TYLER, John T., Jr., Deputy Director, Security Assistance Operations
 WOODS, James, Director, Joint Financial Management Office

[FR Doc. 81-16841 Filed 6-5-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Navy**Chief of Naval Operations Executive Panel Advisory Committee; Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Science and Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on 23-24 June 1981, from 8:30 a.m. to 5:30 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of autonomous homing weapons and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public

interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311, Telephone: (703) 756-1205.

Dated: June 5, 1981.

P. B. Walker,

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

[FR Doc. 81-17114 Filed 6-5-81; 10:03 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

National Advisory Council on Ethnic Heritage Studies; Meeting

AGENCY: Department of Education.

ACTION: Notice of Meeting of National Advisory Council on Ethnic Heritage Studies.

SUMMARY: This notice contains the schedule and agenda of a forth-coming meeting of the National Advisory Council on Ethnic Heritage Studies. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: June 24, 1981—9:00 a.m. to 4:30 p.m.; June 25, 1981—9:00 a.m. to 4:30 p.m.; June 26, 1981—9:00 a.m. to 12:30 p.m.

ADDRESS: Federal Office Building 6, Room 3000 (Large conference room), 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence E. Koziaz, Director, Ethnic Heritage Studies Program, 400 Maryland Avenue, SW., Room 1128, Donohoe Building, Washington, D.C. 20202, Telephone: (202) 245-3471.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies is established under Section 956 of the Elementary and Secondary Education Act of 1965 as added by the Education Amendments of 1972 (Pub. L. 92-319) and amended by the Education Amendments of 1978 (Pub. L. 95-561). The Council is

established to advise the Secretary and the Assistant Secretary for Elementary and Secondary Education on the implementation of Part E of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

The Council shall advise concerning matters of general policy, arising from the administration of programs authorized by Part E of Title IX, of the Elementary and Secondary Education Act of 1965, and shall perform specific functions as follows: (a) make recommendations to the Secretary and the Assistant Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development; (b) suggest innovations to meet program needs or otherwise improve ethnic heritage studies; (c) suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development; (d) provide such administrative and legislative proposals as may be appropriate; and (e) not later than June 30 of each year, submit to Congress, a report of its activities, findings, and recommendations.

The proposed agenda includes:

June 24, 1981

Council Business
Report on Contracts
Council Management
Report on FY 81 Funding
Committee Meetings

June 25, 1981

Final Review of Annual Report
Ethnic Data From Census
Committee Meetings

June 26, 1981

Report of Committees
Setting of FY 1982 Calendar and Agenda for the next meeting

Records are kept of all Council proceedings, and are available for public inspection at the Office of the National Advisory Council on Ethnic Heritage Studies, 1128 Donohoe Building, 400 6th Street, SW., Washington, D.C. 20202.

Signed in Washington, D.C. on June 1, 1981.

John H. Rodriguez,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 81-16866 Filed 6-5-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings for Remedial Actions at the Inactive Uranium Mill Tailings Site and Vicinity Properties in and Near Durango, Colorado

AGENCY: Department of Energy.

ACTION: Notice is hereby given that the Department of Energy intends to prepare an environmental impact statement (EIS) to assess the environmental implications of remedial actions to be performed on the inactive uranium mill tailings piles and vicinity properties in and near Durango, Colorado.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), to provide environmental input into the selection of an appropriate strategy for the permanent disposal of the uranium mill tailings at the site of a now-dismantled uranium mill formerly owned by the Vanadium Corporation of America and at associated vicinity properties in and near Durango, Colorado. The DOE is currently considering as its proposed action the removal of the tailings to a specially prepared remote site for permanent disposal. In accordance with the Council on Environmental Quality regulations for compliance with NEPA (40 CFR Part 1501), the DOE is serving as the lead agency for preparation of the EIS; the Nuclear Regulatory Commission will participate as a cooperating agency.

The DOE invites interested agencies, organizations and members of the general public to submit comments or suggestions for consideration in connection with the preparation of the draft EIS. Comments may be submitted by mail or presented at scoping meetings to be held in Durango, Colorado, on June 30 and July 1, 1981. Upon completion of the draft EIS, notice of its availability will be announced in the Federal Register, and comments will be solicited. Comments on the draft EIS will be considered in preparing the final EIS.

ADDRESS: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meetings may be submitted to: Mr. R. H. Campbell, Uranium Mill Tailings Project Office, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115.

Envelopes should be marked "DEIS for Durango tailings piles."

General information on the process followed by the DOE in preparing environmental impact statements may be obtained from: NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness, U.S. Department of Energy, ATTN: Ms. Carol M. Borgstrom, Room 4C-064, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 252-4600.

DATES: Written comments postmarked by July 13, 1981 will be considered in the preparation of the DEIS. Comments postmarked after that date will be considered to the maximum extent practicable. Scoping meetings will be held in Durango, Colorado, on June 30 and July 1, 1981. Requests to speak at these meetings should be received by R. H. Campbell at the above address by June 22, 1981.

Background Information

The uranium mill tailings at the former Vanadium Corporation of America site are on the southwest side of Durango, just outside the city limits. The mill, built on the site in 1942, originally processed vanadium ore. From 1943 to 1946 it reprocessed the vanadium tailings to recover uranium. Between 1949 and 1963 it processed uranium ore for the U.S. Atomic Energy Commission. The mill was shut down in 1963.

Although the mill buildings have been removed, the tailings from the operations remain in two piles lying against a mountain slope and covering about 21 acres. In addition, some contaminated soil was transported offsite and used locally as fill on properties in the vicinity of the former Vanadium Corporation of America site.

In 1978 the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Pub. L. 95-604. In this Act, the Congress found that uranium mill tailings may pose a significant radiation health hazard to the public and directed the DOE to designate inactive uranium processing sites for remedial action to remove this potential hazard. It required the DOE to carry out remedial action at each site in cooperation with other Federal agencies and with the states

and Indian tribes affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning the conduct of the remedial action, for concurring with the selected remedial action and with any cooperative agreement with a state or Indian tribe, and for licensing the maintenance of each tailings-disposal site after the remedial action is completed. In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the tailings sites and the disposal sites.

In accordance with Pub. L. 95-604, the DOE has designated 25 sites for remedial action. One of them is the site outside Durango. The DOE has made preliminary assessments of the tailings piles there and of possible remedial actions. The State of Colorado has investigated several areas in which the tailings might safely be permanently disposed of and has recommended four of them as possible candidates for further study. The DOE has selected three of these sites for analysis in the draft EIS.

To most expeditiously fulfill its role in overseeing the remedial action, the NRC has decided to participate as a "cooperating agency" as defined by the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500.5). By participating in this manner, the NRC will avoid duplicating the DOE efforts in a separate NRC-prepared EIS for the Durango tailings.

The EPA has issued proposed standards governing the cleanup and disposal of residual radioactive material at inactive uranium processing sites, including the site near Durango, and intends to issue final standards by late 1981.

A document describing the preliminary assessment of the Durango tailings is the "Phase II Title I Engineering Assessment of Inactive Uranium Mill Tailings, Durango Site, Durango, Colorado" (DOE/UMT/0103), which is available for public inspection at the locations listed at the end of the notice.

In order to proceed with the selection of an appropriate remedial action, the DOE will prepare an EIS that will analyze the effects of the proposed action and alternatives. After the completion of a final EIS based on the draft EIS and comments on the draft EIS, the plan for remedial action on the Durango tailings will be selected, probably in 1982. The remedial action could then begin in 1983 and be completed during 1987, subject to the

appropriation of sufficient funds by the Congress and by the State of Colorado to cover the remedial action costs.

Preliminary Identification of Environmental Issues

Those issues to be analyzed during the preparation of the EIS will include:

1. Exposures to radiation that the public and the workers on the project will receive from routine operations.
2. Exposures to radiation from hypothetical accidents that release radioactive material.
3. Changes in air quality caused by dust and other pollutants.
4. Effects on soils and mineral resources.
5. Effects on surface and ground waters.
6. Effects on plants and animals.
7. Changes in land use.
8. Changes in noise levels during the actions.
9. Effects on scenic, historic, and cultural resources.
10. Changes in population and effects on housing, social structure, services, and economic structure in the communities near the affected places.
11. Effects on transportation networks, including changes in traffic patterns and volumes.
12. Expected use of energy and other resources.
13. Effects of accidents other than effects arising from release of radioactive material.
14. Benefits of reprocessing the tailings to recover minerals.

The list is not intended to be all-inclusive nor to be a predetermination of impacts.

Analyses of the listed effects will be made for the mill-tailings site, the properties in the vicinity that are contaminated by materials from the mill-tailings site, the disposal sites, the reprocessing sites, if any, the transportation routes, and the sites where cover material is obtained. The analyses, made for all the alternative actions, will cover both the time when the remedial action is in progress and the time after it has been completed.

Preliminary Definition of Alternatives

The DOE will consider all reasonable alternatives to the proposed action and their environmental impacts. The alternative actions presently proposed for analysis in the draft EIS are briefly listed below. This list may be longer or shorter in the draft EIS itself.

1. No action. Under this alternative, the tailings would be left in place and no measures would be taken to control them.

2. Stabilization in place. Under this alternative the contaminated material at the vicinity properties would be returned and incorporated with the tailings at the former Vanadium Corporation of America site. All tailings and the other contaminated materials would then be stabilized at the site. The pile would be recontoured and cover material placed over it to reduce the radon flux to meet the EPA standards for permanent disposal.

3. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Bodo Canyon, an area about 2.5 road miles south-southwest of the present tailings piles.

4. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Long Hollow, an area about 10 road miles southwest of the present tailings piles. There are two options under this alternative. Under option 1, the mill tailings would be reprocessed by heap leaching at the disposal site to allow the recovery of minerals. Under option 2, the tailings would receive no reprocessing before final disposal.

5. Removing the tailings from the former Vanadium Corporation of America site and vicinity properties and disposing of them permanently below the ground in Pine Ridge, an area about 7 road miles southwest of the present tailings piles. This alternative has the same two options as alternative 4, and its methods of analysis will be similar.

Comments and Scoping Meetings

The DOE invites all interested parties to submit written comments or suggestions on the draft EIS and to attend the scoping meetings. The purposes of the meetings and of the request for written comments are to provide the DOE and the NRC with as much information from as many viewpoints as possible and to provide interested persons with opportunities to express their views. The DOE will then determine, in consultation with the NRC, the scope of the issues to be addressed in the draft EIS and will identify the significant issues related to the remedial action.

The public scoping meetings will be held in Durango, Colorado, on June 30 and July 1, 1981. The times and places will be announced in local news publications; they may also be obtained from R. H. Campbell at the address given above.

Persons desiring to make oral comments at the meetings should mail

their requests to R. H. Campbell at the above address and should write "Durango scoping meetings" on the envelopes. They should notify the DOE of their desire to speak before June 22, 1981, so that the DOE may arrange a schedule for the presentations.

The DOE will establish procedures governing the conduct of the meetings. The meetings will not be conducted as evidentiary hearings, and those who choose to make statements may not be cross-examined by other speakers. To ensure that everyone who wishes to speak has a chance to do so, five minutes will be allotted to each speaker. Depending on the number of persons requesting to be heard, the DOE may allow longer times for representatives of organizations; persons wishing to speak on behalf of an organization should identify the organization in their request. Persons who have not submitted a request to speak in advance may register to speak at the scoping meetings; they will be called on to present their comments in the order of their registration.

Written comments and suggestions for issues to be addressed in the draft EIS should be sent to R. H. Campbell at the address given above by July 13, 1981. Written comments will be considered and given equal weight with oral comments in the preparation of the EIS.

On the completion of the draft EIS, notice of its availability will be announced in the Federal Register, and the Department of Energy will again solicit comments. Persons who do not desire to submit comments or suggestions during the scoping period may wish to receive a copy of the draft EIS for review and comment when it is issued; they should notify R. H. Campbell at the above address. Persons seeking further information may inquire at either of the addresses given above.

Transcripts of the scoping meetings will be prepared by DOE and made available at the Freedom of Information Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. In addition, members of the public may inspect the transcripts of the scoping meetings and other documents now planned for use in preparing the draft EIS at the following locations:

Freedom of Information Reading Room, Room 1E-190, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585;
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301;

Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico 87115;
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60639;
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401;
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada 89114;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee 37830
Richland Operations Office, Federal Building, Richland, Washington 99352;
Energy Information Center, 215 Fremont Street, San Francisco, California 94105;
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina 29801;
Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway, Denver, Colorado 80210.

Dated at Washington, D.C., this 3d day of June 1981.

For the United States Department of Energy.

Barton R. House,
Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-16997 Filed 6-5-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Designation of Los Alamos Laboratory Site as Off-Limits Area

AGENCY: Department of Energy.

ACTION: Proposed designation of Los Alamos Laboratory site as off-limits area in accordance with 10 CFR Part 860.

SUMMARY: The Department of Energy (DOE) proposes to designate the Los Alamos National Laboratory site an off-limits area in accordance with 10 CFR Part 860, making it a federal crime under U.S.C. 2278a for unauthorized persons to enter into or upon the Los Alamos National Laboratory site. If unauthorized entry into or upon the Laboratory site is into an area enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than \$5,000 or imprisonment for not more than one year or both. If unauthorized entry into or upon the Laboratory site is into an area not enclosed by a fence, wall, roof, or other standard barrier, conviction for such unauthorized entry may result in a fine of not more than \$1,000.

On April 23, 1980, DOE published in the *Federal Register* (45 FR 27464-27466, corrected, June 9, 1980 45 FR 38433) a final Notice which designated certain described areas, structures and facilities at the Los Alamos National Laboratory site as off-limits. Pursuant to 10 CFR 860.7, this Notice took effect on the date of its publication. No prior notice or period for public comment was provided for before the effective date of the final notice.

On January 5, 1981, the United States Court of Appeals for the Tenth Circuit in *United States v. Jonathan Seward, et al.*, Nos. 79-1711 through 79-1726, 79-1745, 79-1749, 79-1750, 79-1754, 79-1757, 79-1777 through 79-1790, 79-1795, 79-1800, 79-1802 through 79-1804, 79-1809, 79-1811, 79-1812, 79-1815 through 79-1817, 79-1822, through 79-1835, 79-1848 through 79-1855, 79-1857, 79-1858, 79-1860, 79-1861, 79-1931, 79-1932, 79-1934, 79-1936 through 79-1945, and 79-2037, issued a decision invalidating eighty-six trespass convictions on the ground that DOE's similar designation of boundaries of off-limits areas at the Rocky Flats Plant site published in the *Federal Register* on April 13, 1979 did not comply with the provisions of the Administrative Procedure Act, 5 U.S.C. 551, *et seq.*, and Title V of the Department of Energy Organization Act, 42 U.S.C. 7191, *et seq.* Pending any review of the decision of the Court, DOE, in deference to the Court, is publishing this proposed designation in accordance with the procedural requirements of 5 U.S.C. 551, *et seq.*, and 42 U.S.C. 7191, *et seq.*

DATE: Comments must be received on or before July 8, 1981.

ADDRESS: Send written comments to: Mr. Robert L. Morgan, Acting Assistant Secretary for Defense Programs, U.S. Department of Energy, Mail Stop 4-C-024, 1000 Independence Ave., SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Jo Ann Williams, (202) 252-6975.

SUPPLEMENTARY INFORMATION:

A. Comment Procedure

Interested persons are invited to submit written comments with respect to the proposed designation. Comments should be identified on the outside of the envelope as "Comments on Los Alamos National Laboratory Site." All written comments filed pursuant to this notice will be available for inspection and copying during normal business hours at the DOE public document rooms at the following locations:

Washington, D.C., U.S.D.O.E., Forrestal Building, 1000 Independence Ave., SW.:

Albuquerque, New Mexico, Albuquerque Operations Office, U.S.D.O.E., Kirtland Air Force Base East.

B. Miscellaneous

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy of large numbers of individuals or businesses. Accordingly, no public hearing is required.

DOE has determined that initial and final regulatory flexibility analyses required by sections 603 and 604 of the Regulatory Flexibility Act need not be prepared for these regulations because they would not exert, if promulgated, a significant economic impact on a substantial number of small entities.

Because this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of Section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, do not apply.

DOE has determined that these regulations are not "major rules" as defined in Section 1(b) of Executive Order 12291.

Notice is hereby given that the Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2278a), Section 104 of the Energy Reorganization Act of 1974 (42 U.S.C. 5814), as implemented by 10 CFR Part 860 published in the *Federal Register* on July 9, 1975 (40 FR 28789, 28790), and section 301 of the Department of Energy Organization Act (42 U.S.C. 7151), purposes to designate the Los Alamos National Laboratory site as an off-limits area and to prohibit the unauthorized entry and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.3 and 860.4 into or upon the Los Alamos National Laboratory site of the Department of Energy, such site consisting of the following described areas, structures, and facilities being located in Los Alamos County or Santa Fe County in the State of New Mexico and being more particularly identified as follows:

1. A certain parcel of land containing approximately 12,600 acres, more or less, situated entirely within Los Alamos county, being more particularly described as follows:

Beginning at a point where the south right-of-way line of west Jemez Road intersects the west right-of-way line of Diamond Drive, said point lies within section 17, T. 19N., R.6E.,

N.M.P.M.; thence on a southerly direction along the west right-of-way line of Diamond Drive approximately 3,100 feet to a point of intersection with the south right-of-way line of Pajarito Road; thence southeasterly along said south right-of-way line of Pajarito Road an approximate distance of 35,000 feet to a point of intersection with the northwesterly right-of-way line of New Mexico State Road 4; thence meandering along said right-of-way line of New Mexico State Road 4 in a southwesterly direction a distance of approximately 32,500 feet; thence northwesterly along the right-of-way line of New Mexico State Road 4 a distance of approximately 38,500 feet to a point of intersection with the east right-of-way line of West Jemez Road; thence meandering northeasterly along the right-of-way line of West Jemez Road an approximate distance of 23,000 feet to the point and place of beginning.

2. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the north right-of-way line of East Jemez Road and the east boundary of Los Alamos County; then northerly along the east boundary of Los Alamos County to the southerly boundary of the plat of Eastern Area No. 1, filed for record with the clerk of Los Alamos County as document No. 3924, plat book 1, page 55, on April 13, 1965; thence westerly along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 2, filed for record with the clerk of Los Alamos County as document No. 4505, in plat book 1, page 57, on August 8, 1965; thence southerly and meandering along the boundary of the plat of Eastern Area No. 2; thence continuing in a westerly direction along said plat boundary to a point where it meets the boundary of the plat of Eastern Area No. 3, filed for record with the clerk of Los Alamos County as document No. 5986 in plat book 1, page 74, on February 21, 1968; thence westerly along the southerly boundary of the plat of Eastern Area No. 3 to a point where it meets diamond Drive; thence southerly along the east right-of-way line of Diamond Drive (projected to the bottom of the canyon) to the north right-of-way line of East Jemez Road; thence meandering along the north right-of-way line east Jemez Road in a southeasterly direction to the point of beginning.

3. A certain parcel of land situated entirely within Los Alamos County, more particularly described as follows:

Beginning at the intersection of the south right-of-way line of East Jemez Road and the east boundary of Los Alamos County; thence southerly, westerly, and southeasterly along the Los Alamos County line to its intersection with the right-of-way line of New Mexico State Road 4; thence southwesterly along said right-of-way line to its intersection with the northeasterly right-of-way line of Pajarito Road; thence meandering in a northwesterly direction along the north right-of-way line of Pajarito Road to its intersection with the east right-of-way line of Diamond Drive; thence northerly along the east right-of-way line of

Diamond Drive to its intersection with the south right-of-way line of East Jemez Road; thence meandering along the south right-of-way line of East Jemez Road in a southeasterly direction to the point of beginning; excepting:

(a) The Los Alamos County sanitary landfill; and

(b) The East Jemez Road Trailer Park as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 80, on April 25, 1966.

4. Fire Station No. 1, Structure No. TA-3-41, Los Alamos County, Section 17, New Mexico Principal Meridian, Township and Range 19N, 6E.

5. Fire Station No. 2, located on Tract DD, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

6. Fire Station No. 3, located on Tract JA, Survey of White Rock, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4710 in plat book 1, page 62, on September 3, 1965.

7. Fire Station No. 4, located on Tract G, plat of North Community No. 2, Los Alamos County, filed for record with the clerk of Los Alamos County as document No. 4999 in plat book 1, page 69, on November 1, 1965.

8. Tank farm, located on Tract AA, plat of Eastern Area No. 1, Los Alamos County, recorded as hereinabove stated.

9. "Los Alamos Scientific Laboratory Records Center" and warehouse, located on "Tract WA-2, Eastern Area No. 2, Los Alamos County", as shown on the plat thereof filed for record with the clerk of Los Alamos County in plat book 1, page 95, on November 1, 1966.

10. The Los Alamos Area Office Headquarters Building located on Tract E, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

11. The Health Research Laboratory located on Tract A, plat of Eastern Area No. 3, Los Alamos County, recorded as hereinabove stated.

12. A certain parcel of land containing approximately 1,010 acres, more or less, situated entirely within Los Alamos County, and more particularly described as follows:

Beginning at the northeast corner of Bandelier National Monument (Latitude 35° 47' 27" Longitude 106° 16' 1"); thence in a southerly direction along the common boundary of Bandelier National Monument and U.S. Department of Energy property to the north rim of the Rio Grande Canyon (also known as White Rock Canyon); thence in a northeasterly direction along the rim of the Rio Grande Canyon approximately 16,000 feet to its confluence with the south rim of Ancho Canyon; thence in a northwesterly direction along the rim of Ancho Canyon to New Mexico State Road 4; thence along the right-of-way line of New Mexico State Road 4 to the point of beginning. This area is further

identified as Technical Area (TA)-33 and/or Hot Point (H-P) Site.

13. Structures, or other facilities, identified as indicated below with appropriate identification numbers or titles being posted at each such structure or other facility:

Structure or other facility	County	Section	New Mexico principal meridian, township and range
Los Alamos water well No. 1.	Santa Fe	13	19 N., 7 E.
Los Alamos well No. 1-B.	do	13	Do.
Los Alamos well No. 2.	do	14	Do.
Los Alamos well No. 3.	do	14	Do.
Los Alamos booster No. 1.	do	14	Do.
Los Alamos well No. 6.	do	14	Do.
Los Alamos well No. 5.	do	15	Do.
Los Alamos booster No. 2.	do	22	Do.
Los Alamos well No. 4.	do	22	Do.
Los Alamos booster No. 3.	do	20	Do.
Los Alamos booster No. 4.	Los Alamos.	13	19 N., 6 E.
Guaje well No. 1.	Santa Fe	10	19 N., 7 E.
Guaje well No. 1-A.	do	4	Do.
Guaje well No. 2.	do	4	Do.
Guaje well No. 3.	do	4	Do.
Guaje well No. 4.	do	5	Do.
Guaje well No. 5.	do	5	Do.
Guaje well No. 6.	do	6	Do.
Guaje booster No. 1.	do	5	Do.
Guaje booster No. 2.	Los Alamos.	1	19 N., 6 E.
Guaje booster No. 3.	do	3	Do.
Los Alamos sand trap.	Santa Fe	14	19 N., 7 E.
Guaje sand trap.	do	5	Do.
Valve and pump house.	Los Alamos.	17	19 N., 6 E.
Fill pump station.	do	6	Do.
Guaje filter station.	do	4	Do.
Western steam plant.	do	16	Do.
Western pump station.	do	17	Do.
Barranca tank No. 1 pump station.	do	3	Do.
East Rd. gas metering station No. 2.	do	14	Do.
Pueblo Canyon natural high pressure gas line suspension bridge.	do	9	Do.
Pajarito TA-0-173.	Los Alamos.	17	19 N., 6 E.
Pajarito chlorinator.	Santa Fe	20	19N., 7E.
Twin tanks.	Los Alamos.	17	19 N., 6 E.
Sycamore tank.	do	8	Do.
Group No. 11 tank.	do	8	Do.
Group No. 12 tank.	do	5	Do.
Community tank and pump.	do	17	Do.
Western tank.	do	17	Do.
Barranca tank and pump No. 2.	do	2	Do.
TA-16-171, TA-16-404, TA-16 tank and micro-strainer.	Los Alamos.	(1)	19 N., 6 E.
TA-3 tank TA-0-6.	do	17	Do.
Trailer court booster pump.	do	16	Do.
Backflow preventer (old trailer court).	do	15	Do.
Water Canyon gallery.	do	25	19 N., 5 E.
Tech area gas metering station (TA-0-192).	do	17	19 N., 6 E.
South Sites gas metering station (TA-0-193).	do	17	Do.
Pajarito Rd. gas metering station TA-3.	do	21	Do.
8-in. takeoff (valve station) from 12-in. line.	do	8	Do.

Structure or other facility	County	Section	New Mexico principal meridian, township and range
Trailer court metering station.	do	16	Do.
Gas motor to park service.	do	(1)	18 N., 6 E.
DOE building sewage lift station.	do	16	19 N., 6 E.

¹ Roman Vigil grant.

Notices stating the prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said areas, structures, and other facilities and at intervals along the perimeters thereof as provided in 10 CFR 860.6.

Dated in Washington, D.C., this 19th day of May 1981.

Robert L. Morgan,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 81-16688 Filed 6-5-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Bill Forney, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Bill Forney, Incorporated. This Proposed Remedial Order charges Forney with pricing violations in the amount of \$617,184.00 connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1973 through September 1980 in the State of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before June 23, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 27th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-16631 Filed 6-5-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of May 15 Through May 22, 1981

During the week of May 15 through May 22, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings

and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 2, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of May 15 through May 22, 1981]

Date	Name and location of applicant	Case No.	Type of submission
May 15, 1981	The 341 Tract Unit of the Citronelle Field, Mobile, Alabama.	BEX-0212	Supplemental Order. If granted: A portion of the escrow account established in the December 21, 1980, Decision and Order (Case No. BEN-0078) issued to the 341 Tract Unit of the Citronelle Field would be disbursed.
May 15, 1981	Charter Oil Company, Jacksonville, Florida	BER-0140, BES-0161, BET-0161.	Requests for Modification, Stay and Temporary Stay. If granted: The May 4, 1981, Decision and Order (Case No. DXE-2108) issued to Charter Oil Company by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations. The entitlements purchase obligations ordered in the May 4 Decision would be stayed pending a final determination on the firm's request for modification.
May 15, 1981	Texas City Refining Company, Washington, D.C.	BER-0139	Request for Modification. If granted: The April 15, 1981 Decision and Order (Case No. BEX-0192) issued to Texas City Refining Company by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
May 15, 1981	Young Refining Corporation, Washington, D.C.	BES-0160	Request for Stay. If granted: Young Refining Corporation would receive a stay of the April 22, 1981, Decision and Order (Case No. DEX-0104) issued to the firm by the Office of Hearings and Appeals pending judicial review.
May 18, 1981	Little America Refining Co./Cities Service Co., Tulsa, Oklahoma.	BEJ-0199	Motion for Protective Order. If granted: Cities Service Company would enter into a Protective Order with Little America Refining Company regarding the release of proprietary information to Cities Service Company in connection with Little America Refining Company's Application for Exception (Case No. BEE-1064).
May 18, 1981	Little America Refining Company/Wyoming Refining Company, Washington, D.C.	BEJ-0200	Motion for Protective Order. If granted: Wyoming Refining Company (WRC) would enter into a Protective Order with Little America Refining Company (LARCO) regarding the release of proprietary information to WRC in connection with LARCO's Application for Exception (Case No. BEE-1064).
May 18, 1981	Office of Enforcement/Marbob Energy Corp., Washington, D.C.	BEF-0052	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the Consent Order (Case No. 670C00242) issued to Marbob Energy Corporation.
May 18, 1981	Office of Enforcement/Upham Oil & Gas Company, Washington, D.C.	BEF-0051	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the September 1979 Consent Order (Case No. 6D0V0031) issued to Upham Oil & Gas Company.
May 18, 1981	Office of Special Counsel, Washington, D.C.	BRZ-0104	Interlocutory Order. If granted: Texaco, Inc. would be deemed to have admitted specified factual findings in a Proposed Remedial Order that was issued to it on May 1, 1979 (Case No. DRO-0199).
May 19, 1981	Arent, Fox, Kintner, Plotkin & Kahn (Lebowitz), Washington, D.C.	BFA-0674	Appeal of Information Request Denial. If granted: The May 7, 1981, Information Request Denial issued to the firm by the Acting Deputy Administrator for the Economic Regulatory Administration would be rescinded, and Arent, Fox, Kintner, Plotkin & Kahn would receive access to certain DOE records.
May 19, 1981	Larry V. Ellis, Idaho Falls, ID.	BFA-0675	Appeal of Information Request Denial. If granted: The April 23, 1981, Information Request Denial issued by the Idaho Operations Office would be rescinded, and Larry V. Ellis would receive access to certain DOE documents.
May 19, 1981	Marcum Oil Company, Savannah, Missouri	BRS-0162	Request For Stay. If granted: Marcum Oil Company would receive a stay of the December 19, 1978, Remedial Order (Case No. DRO-0214) issued to the firm by the Office of Hearings and Appeals pending a final determination on its Request for Modification/Rescission.
May 20, 1981	Fawndell's Energy Systems, Washington, D.C.	BFA-0676	Appeal of Information Request Denial. If granted: The April 21, 1981, Information Request Denial issued by the DOE Office of Business Liaison Procurement and Assistance Management would be rescinded, and Fawndell's Energy Systems would receive access to certain DOE information.
May 20, 1981	OE/Summit Transportation, Washington, D.C.	BEF-0053	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the January 6, 1981, Consent Order issued to Summit Transportation.
May 20, 1981	Warrior Asphalt Co. of Alabama, Inc., Washington, D.C.	BYX-0211	Supplemental Order. If granted: The April 20, 1981, Decision and Order (Case No. DEX-0211) issued to Warrior Asphalt Co. of Alabama, Inc. by the Office of Hearings and Appeals would be amended to reflect certain adjustments which were not included in the previous calculation of the appropriate level of exception relief.
May 21, 1981	Eik Trading Company, Washington, D.C.	BFA-0677	Appeal of Information Request Denial. If granted: The April 22, 1981, Information Request Denial issued by the Office of Enforcement (ERA) would be rescinded, and Eik Trading Company would receive access to certain DOE information.

Notices of Objection Received

[Week of May 15, 1981 through May 22, 1981]

Date	Name and location of applicant	Case No.
May 20, 1981	Greene Oil, Inc., Letcher, South Dakota	BEE-1484
May 21, 1981	Oasis Petroleum Corp., Culver City, CA	DEE-7983

[FR Doc. 81-16896 Filed 6-5-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 81-195, CC Docket No. 81-355; File No. E-80-8; etc.]

Communications Satellite Corp. and Western Union International Inc.; Applications for Consolidated Hearing on Stated Issues

Adopted: April 23, 1981.

Released: May 29, 1981.

By the Commission:

In the Matter of the Application of Communications Satellite Corporation For authority to construct a "Standard B" earth station antenna and associated facilities at Hickam, Hawaii, for use in the provision of 1.544 Mbps service, for operation with the Intelsat system; CC Docket No. 81-353 File No. 391-CSG-P-80. For authority to construct a "Standard B" earth station antenna and associated facilities at Finegayan, Guam for use in the provision of 1.544 Mbps service, for operation with the Intelsat satellite system; CC Docket No. 81-354 File No. 392-CSG-P-80. For authority under Section 214 to provide 1.544 Mbps service through two "Standard B" INTELSAT earth stations located at Hickam, Hawaii, and Finegayan Guam, and for operation with the Intelsat satellite system and CC Docket No. 81-355 File No. I-P-C-85.

In the matter of Western Union International, Inc. Complainant v. Communications Satellite Corporation Defendant CC Docket No. 81-356 File No. E-80-8.

1. The Commission's September 9, 1980, Decision¹ in the captioned proceeding that denied the Communications Satellite Corporation (Comsat) construction applications was appealed by Comsat and the Justice Department.² Before the court considered these appeals, the Commission petitioned the court to remand the case for an evidentiary hearing and reconsideration of Comsat's Section 319(d) waiver request.³ We

noted in the petition that, after reviewing the court record, the Commission was persuaded that at least some of the relevant facts were clouded and should be explored and clarified in an evidentiary hearing. The court remanded the case on January 27, 1981.⁴ The Purpose of this Order is to vacate our September 9, 1980, Order denying Comsat a Section 309(e) hearing and to designate the disputed issues for an expedited hearing. This order also grants Comsat a conditional Section 319(d) waiver to begin constructing the subject facilities. In addition, a related formal complaint has been designated for hearing herein.

Discussion

2. The primary reasons for denying Comsat's construction applications and Section 319(d) waiver requests were: (1) that the service as proposed will burden the general Comsat ratepayer; and (2) that since existing commercial facilities are underutilized, additional facilities constructed at ratepayer expense are unwarranted. The Commission also dismissed Comsat's companion Section 214 application that requested authorization for service and the designation of DoD as an authorized user.

3. Comsat's appeal was based upon a denial of its right to notice and hearing under Section 309(e) of the Communications Act prior to a denial of its construction application. In addition, Comsat sought to have the Commission rule upon the merits of its request to construct and operate the proposed earth stations pending appeal.⁵ The Commission had denied this request as moot after it denied Comsat permanent construction authority. DOJ sought summary reversal of this Commission decision and Comsat asked the court for

a writ of mandamus calculated to obtain interim relief.⁶ Before the court considered the motion for summary reversal or the merits of Comsat's appeal, the Commission sought and was granted a remand of the case for the purpose of reconsidering our denial of evidentiary procedures. We now hold that certain issues in this case are not sufficiently clear to allow for a decision on the merits, and that these issues should be clarified in an evidentiary hearing. Moreover, since we also have been able to insure that the public will not be injured by a temporary grant of the facilities at issue, the September Order will be vacated.

4. At hearing, the Administrative Law Judge (ALJ) will consider whether the construction of the Hickam and Finegayan earth stations at ratepayer expense (as opposed to DoD expense) will best serve the public interest, convenience and necessity within the meaning of Section 309(a) of the Communications Act and Sections 201(c)(7), 201(c)(9), and 201(c)(10) of the Communications Satellite Act. The ALJ will also consider whether the rate proposed by Comsat adequately covers the cost of constructing the subject facilities and whether Comsat has properly allocated the costs among prospective users. The ALJ will consider what rate is just, fair, and reasonable in accordance with Section 205 of the Communications Act. Finally, the ALJ will consider whether the applications should be granted, and what relief is appropriate regarding formal complaint of WUI.⁷

¹ Motion for Summary Reversal, Nos. 80-2241, 80-2246, filed Dec. 12, 1980.

² The Western Union International, Inc., Complaint, File No. E-80-8, which asserts that Comsat (1) unjustly and unreasonably discriminated in charges in connection with the provision of like communications services in violation of Section 201(b) and 202(a) of the Act; and (2) through its unlawful bidding practices, precluded other authorized carriers from enjoying the nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal earth stations in violation of Section 201(c)(2) of the Satellite Act, is being consolidated with the subject applications and considered by the ALJ in the evidentiary hearing.

¹ Communications Satellite Corp., 80 F.C.C. 2d 170 (1980).

² United States of America v. F.C.C., Nos. 80-2241; 80-2246 (D.C. Cir., appeal docketed October 9, 1980).

³ Motion for Remand, Nos. 80-2241, 80-2246, filed Jan. 9, 1981. The Common Carrier Bureau had denied Comsat's request for a waiver to proceed with construction under Section 319(d) on February 4, 1980. The Bureau also denied Comsat's petition for reconsideration in an order released March 14, 1980, Mimeo No. 30296.

⁴ United States of America v. F.C.C., Nos. 80-2241; 80-2246, January 27, 1981.

⁵ Petition for Interlocutory Relief Pending Appeal, File Nos. I-P-C-85, 319-CSG-P-80, 392-CSG-P-80, filed October 14, 1980.

5. In its petition for remand, the Commission stated that it would consider a renewed request by Comsat for interim construction authority pursuant to Section 319(d) of the Communications Act. On January 28, 1981, Comsat filed a renewed request to construct and operate the proposed facilities pending hearing. DoD filed a letter in support of Comsat's request on January 29, 1981.

6. In this most recent request, Comsat seeks authority to proceed with construction of the Hickam/Finegayan earth stations and to provide direct service to DoD on a temporary basis as trustee pending final outcome of the evidentiary hearing. To ensure that there would be no prejudice to any other party, Comsat is prepared to provide the Hickam/Finegayan service to the U.S. Government as a "trustee" until permanent authorization is issued for the service. Comsat has agreed to separately tariff and separately account for the costs and revenues relating to this service during the discharge of its trusteeship. Comsat will also assume the financial risk of pre-grant construction and the provision of the service, and will not pass on any burden from such construction or service to the general ratepayer. Comsat also recognizes the possibility that after a hearing or subsequent Court proceedings, it might not be granted permanent authority to provide the service. Thus, Comsat's shareholders would bear the financial risk that Comsat may be required to dispose of the earth stations. Additionally, DoD's supporting letter of January 29, 1981, recognizes that after hearing, if supported by substantial evidence of record, the Commission could exercise its prescription authority under Section 205 to require rate adjustments in the Comsat/DoD contract for this service. Moreover, according to DoD's letter, Section 7-1702.9 of the Defense Acquisition Regulations (32 CFR § 7.434) would allow DoD to accept a Commission prescribed rate.

7. These guarantees alleviate many of the Commission's concerns about allowing Comsat to proceed with the construction of the Hickam/Finegayan facilities. We are persuaded on the basis of Comsat's and DoD's representations that the public interest, convenience and necessity will be served by a grant of interim construction authority pending hearing. We recognize that these representations are not free from dispute.* However, in light of the

conditions that will be imposed on the interim construction authority, we believe that a Section 319(d) waiver may be granted without detriment to the public in this one instance. In addition to the conditions proposed by Comsat and DoD, the Commission will impose one condition that it feels are necessary to protect the public. First, the Commission will require that Comsat exclude the construction costs from its ratebase until further notice of the Commission.* Comsat is also on notice that as a result of the evidentiary hearing the costs of constructing the Hickam/Finegayan facilities may be disallowed from its ratebase entirely. Moreover, and most important, the Commission will require that if, as a result of the hearing, the construction of these facilities is found to be unwarranted, Comsat's shareholders will bear the financial risk that these facilities will remain idle indefinitely or have to be removed.

8. The Commission has decided to hold in abeyance the question of whether Comsat should be granted authority under Section 214 to provide the subject 1.544 Mbps service to DoD as an authorized user. Our reasons for this deferral are threefold. First, it was implicit in the Notice of Proposed Rulemaking in the Authorized User Proceeding, 77 F.C.C. 2d 535 (1980), that we would prefer to consider requests for authorized user status within the context of the broader proceeding. That proceeding is in its final stages and should be considered by the Commission in the very near future. Second, there are serious questions regarding Comsat's bidding practices that are the subject of the pending WUI complaint, File No. E-80-8, that will be resolved before the earth stations become operational. Third, the Commission has set the rate issues for expedited hearing and may resolve those issues prior to the completion of the earth stations. Therefore, we will defer consideration of the Section 214 issue either until completion of these proceedings or construction of the earth stations. If the construction of the facilities is completed prior to final

at ratepayer expense, or the provision of direct service by Comsat to DoD as an authorized user. See letter from Acting Assistant Secretary for Communications and Information, U.S. Dept. of Commerce, to Acting Chief, Common Carrier Bureau dated March 13, 1981.

*As a result of Docket 16070, Comsat is permitted to include earth station construction costs in its ratebase prior to the institution of service. In this case, however, since the Commission is considering whether the ratepayer should bear the cost of these facilities, we will not allow Comsat to include any costs associated with the Hickam/Finegayan earth stations in its ratebase. See, 68 F.C.C. 2d 941 (1978).

Commission action on the pending proceedings. Comsat may request temporary 214 authority for the provision of service to DoD.

9. Accordingly, it is ordered, That pursuant to the provisions of Sections 4(i)-(j), 201, 202, 207, 208, 209, 309(e) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)-(j), 201, 202, 205, 207, 208, 209, 309(e) and 403, and Sections 201(c)(7), 201(c)(9), 201(c)(10) of the Communications Satellite Act of 1962, as amended, the captioned applications of Comsat and the formal complaint (E-80-8) are designated for hearing in a consolidated proceeding on the following issues:

(a) Whether the construction of the Hickam and Finegayan earth stations at ratepayer expense is required by the public interest, convenience and necessity within the meaning of Section 309 of the Communications Act and Sections 201(c)(7), 201(c)(9), and 201(c)(10) of the Communications Satellite Act of 1962. Included in the determination shall be:

(1) Whether the existing commercial earth station at Pulantat, Guam, is likely to be utilized in an efficient and profitable manner; and

(2) Whether the efficient utilization of the proposed facilities would necessitate future diversions of circuits from the Pulantat facility.

(b) Whether the rate proposed by Comsat represents a just, and reasonable charge for the proposed service within the meaning of Section 201 of the Communications Act, such that the total facility costs are borne solely by the users of this facility, and if not, what rate if any, should be prescribed under Section 205 of the Communications Act. In this regard Comsat must also show:

(1) whether DOD and other U.S. government agencies will utilize the proposed facilities at full capacity according to Comsat's five-year projection; and

(2) whether Comsat's allocation of total costs among the users is just and reasonable.

(c) 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.

(d) The facts and circumstances concerning COMSAT's response to rate and service data requests from Western Union International, Inc. for earth stations and 1.544 Mbps service between such stations at Hickam AFB, Hawaii and Finegayan Naval Base, Guam.

*NTIA has expressed the view that on the basis of all available information the national interest does not support the construction of these facilities

(e) In light of the findings under issue (d); Whether Comsat's actions violated Sections 201(b), 202(a) of the Communications Act of 1934, as amended or Section 201(c)(2) of the Communications Satellite Act of 1962.

(f) If under issue (e), COMSAT is found to have violated Sections 201(b), 202(a) of the Communications Act of 1934, as amended or Section 201(c)(2) of the Communications Satellite Act of 1962, whether and to what extent COMSAT may be liable to Western Union International, Inc. for damages.

10. It is further ordered, That the burden of proof and burden of proceeding on issues (a), (b) and (c) are borne by COMSAT, on issues (d), (e) and (f) by WUI.

11. It is further ordered, That Comsat's renewed request for a waiver pursuant to Section 319(d) of the Communications Act is granted subject to the following conditions:

(a) Pending further order of this Commission, Comsat will construct the earth stations as trustee at the risk of its shareholders;

(b) Comsat will keep a separate account of all costs and revenues associated with the construction and operation of the Hickam and Finegayan earth stations;

(c) Pending further order of this Commission, Comsat will exclude from its ratebase all costs associated with the construction of the Hickam and Finegayan earth stations;

(d) Comsat and DOD will agree to accept a revised rate for Hickam-Finegayan service, if supported by the evidence adduced at the hearing, pursuant to Section 205 of the Communications Act;

(e) If after hearing the evidence proves that the earth stations are not warranted, Comsat's shareholders will bear the financial risk that Comsat is required to dispose of the earth stations.

12. It is further ordered, That the hearing should be expedited and held before an Administrative Law Judge at the Commission's offices in Washington, D.C. at a time to be specified.

13. It is further ordered, That the Administrative Law Judge shall conduct these proceedings in such a manner as to insure that within six (6) months of the release of this order and upon closing of the record, an initial decision is prepared and issued which shall be subject to the submission of exceptions and requests for oral argument, as provided in §§ 1.276 and 1.277 of the Commission's Rules, 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in Section 1.282 of those Rules. 47 CFR 1.282.

14. It is further ordered, That the entire Common Carrier Bureau will be separated with the exception of certain staff members to be designated by a subsequent order. This order shall be issued by the Chief, Common Carrier Bureau, prior to the commencement of the hearing.¹⁰

15. It is further ordered, That the Chief, Common Carrier Bureau, Comsat, DoD, and WUI ARE DESIGNATED parties to this proceeding.

16. It is further ordered, That the parties herein may avail themselves of an opportunity to be heard by filing with the Commission, pursuant to Section 1.221(e) of the Rules, 47 CFR 1.221(e), within 20 days of the release date of this Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

17. It is further ordered, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to Comsat, DoD and WUI and shall cause a copy to be published in the Federal Register.

18. It is further ordered, That the Commission's September 9, 1980, decision, *Communications Satellite Corp.*, 80 F.C.C. 2d 170 (1980), that denies Comsat a hearing under Section 309(e) of the Communications Act is vacated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10820 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Erratum

Correction to TV Cut-Off List Report No. A-28

Released: May 29, 1981.

On the Public Notice released April 10, 1981, captioned *TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date* (Mimeo #000130, Report No. A-26), published in the Federal Register on April 16, 1981 (46 FR 22283), the following application was listed as subject to the May 22, 1981 cut-off date for petitions to deny:

BPCT-810202KJ (KDUH-TV), Scottsbluff, Nebraska, Duhamel Broadcasting

¹⁰ We anticipate that the Office of Opinions and Review will require the assistance of Bureau Staff expertise in preparing the final order. Therefore, the Chief, Common Carrier Bureau will designate certain Staff members who have not participated in the adjudicatory process, as decision-making personnel by an order to be released prior to commencement of the hearing.

Enterprises, Channel 4, Change city of license from Hays Springs, Nebraska

Through inadvertence, the same application was again listed in the Public Notice (Mimeo #000874, Report No. A-28) released May 14, 1981, announcing television applications as being subject to a June 25, 1981, cut-off date. The latter listing was in error.

Accordingly, notice is hereby given that the above entry is deleted from Report No. A-28, released May 14, 1981 (Mimeo #000874).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10819 Filed 6-5-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1289]

Petitions for Reconsideration of Actions in Rule Making Proceedings

Dated: June 4, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 C.F.R. § 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: 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, RM3247)

Filed by: John G. Puente, President, Donald Silverman, Vice Pres., Engineering & John S. Pfarr, Peter Tannenwald & Theodore D. Frank, Attorneys for Local Digital Distribution Company on 5-22-81. F. Thomas Tuttle, Kevin H. Cassidy & Sean A. McCarthy, Attorneys for Satellite Business Systems on 5-27-81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Hertford, North Carolina) [BC Docket No. 80-246, RM-3614]

Filed by: James A. Koerner, Attorney for Musicradio of North Carolina, Inc. on 5-21-81.

Subject: Amendment of Parts 2 and 15 of the Rules relating to verification and methods of measurement of computing devices (Gen Docket No. 80-284)

Filed by: Joseph M. Kittner, Lawrence J. Movshin & John S. Voorhees, Attorneys for Computer and Business Equipment Manufacturers Association on 5-26-81.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-16621 Filed 6-5-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 16381]

Preparations Continued for 1983 Western Hemisphere Broadcast Satellite Conference (Gen. Docket No. 80-398); Action in Docket Case

May 22, 1981.

The Commission has adopted a Second Notice of Inquiry continuing its preparations for the 1983 Western Hemisphere (Region 2) Administrative Radio Conference for planning the 12 GHz broadcasting satellite service.

The Region 2 conference will be held under the auspices of the International Telecommunication Union. The FCC preparations will serve as the basis of the Commission's coordination with the National Telecommunications and Information Administration and the Department of State in formulation of U.S. proposals and position for the conference.

The First Notice of Inquiry, released July 25, 1980 (45 FR 51914, August 5, 1981), discussed conference preparations under three broad headings: basic service requirements, technical specifications and sharing criteria and planning principles and procedures. It also discussed the need for an advisory committee, which was established by an order released February 24, 1981.

The new Notice analyzed comments filed by interested persons, identifying areas of consensus and areas needing further study and comment. It also discussed initial FCC positions and requested comments on them. Further notices are expected to be adopted as planning for the conference continues.

Comments on matters discussed in the new Notice must be filed by July 24 and reply comments by August 24.

For further information contact Edward Jacobs, (202) 653-8102.
Federal Communications Commission.
William J. Tricarico,
Secretary.

Note.—Due to the effort to minimize publishing costs, the Notice of Inquiry will not be printed. However, copies may be

obtained from the FCC Press office, Room 202, 1919 M St., NW., Washington, D.C. 20554.

[FR Doc. 81-16695 Filed 6-5-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Jean G. Dill Custom Broker (Jean G. Dill, d.b.a.)

U.S. Hwy. 29, Carolina Trade Zone Bldg., P.O. Box 33, Wellford, SC 29385

Vincent Manta

59-62 60th Street, Maspeth, NY 11378

S. Swartz (Serena Swartz, d.b.a.)

2701 Rockcreek Parkway, Suite 115, P.O. Box 12384, N. Kansas City, MO 64116

HC&D Forwarders International, Inc., 1849 Old Bayshore Highway, Burlingame, CA 94010

Officers: Roy S. Kitamura, President; Wendell H. Marumoto, Secretary/Treasurer; Ellen F. Kitamura, Assistant Secretary/Treasurer

Dated: June 3, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16690 Filed 6-5-81; 8:45 am]
BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR-51]

Federal Procurement; Software Development Contracting Guidelines

May 19, 1981

1. *Purpose.* This bulletin provides guidance in suggested practices for software development contracting and contract administration. The matters covered by this bulletin are related to provisions in the Federal Procurement Regulations (FPR) and the Federal Property Management Regulations (FPMR). However, the bulletin is not intended in any way to be directive or regulatory. Its purpose is strictly informational.

2. *Expiration date.* This bulletin contains information of a continuing

nature and will remain in effect until canceled or superseded.

3. *Background.* a. Federal agencies spend large sums of money for computer software development. Many software development contracts awarded by Federal agencies experience large cost overruns and lengthy delays. The computer software products acquired by Federal agencies often do not meet their needs.

b. The statements in paragraph 3a report the findings of a General Accounting Office (GAO) Report (FGMSD-80-4, November 9, 1979) on contracting for software development. The report states that specific guidelines are needed to assist agencies in dealing with the unique factors associated with software development contracting. The report lists the following common causes of software development contracting problems:

- (1) Too little specific guidance,
 - (2) Failure of agencies to accurately estimate the stage of system development reached prior to contracting,
 - (3) Failure of agencies to control contractors through strict phasing and to prevent agency overcommitments,
- Note.—The information in this bulletin is identical to the information in GSA Bulletin FPMR F-131.
- (4) Failure of agencies to manage software development during execution of the contract,
 - (5) Sketchy or nonexistent contractual testing requirements,
 - (6) Failure of agencies to establish a single focal point for communication with contractors,
 - (7) Failure of agencies to adequately specify or enforce clauses for recovery when a contractor performs poorly, and
 - (8) Failure of contractors to provide adequate software documentation.

4. *Guidance.* Attachment A provides guidance for the critical phases in the software development process, such as definition of requirements, analysis and design, programing, documentation, and acceptance.

5. *Comment and further guidance.* GSA is interested in agency views regarding the pertinency and usefulness of this bulletin. Based upon these comments, GSA will consider whether additional guidance would be useful. This guidance could include more specific guidelines, model contract clauses, or techniques proven by an agency that would be useful in different or broader situations.

6. *Information and assistance.* For further information or assistance, contact the ADTS Office of Software

Development (703-756-6151), Contract Programs Division (202-566-0646), or Procurement Policy and Regulations Branch (202-566-0194).

Gerald McBride,

Assistant Administrator for Acquisition Policy.

May 19, 1981.

[GSA Bulletin FPR-51]

Attachment A

Software Development Contracting

1. *Definition of requirements.* a. The definition of requirements is the most critical phase of software system development and must be adequately addressed in the contracting process to achieve a successful result. The definition forms the basis for determining the scope of the contract and provides the basis for testing and accepting the product(s). Requirements should be documented clearly and in the greatest detail possible. They should be stated in functional terms where practicable. It may be unrealistic to completely determine at the outset all of the end requirements of the system. Recognition of this will allow structuring the development effort into several phases. The objective of each phase is to clarify and more rapidly define the remaining phases. This minimizes the commitment of funds until the nature of the development effort is understood and until it is possible to contract for fixed product deliverables at a firm fixed price.

b. The hardware and software (e.g., operating systems, data base management systems, and utility software) that define the environment in which the software must operate, the applications area, and the specific need and function that the software is to satisfy should be described to provide an informed basis for detail design and implementation decisions.

c. Applicable Federal standards should be cited in solicitation documents. Subpart 101-36.13 of the FPMR provides applicability provisions and standard solicitation document terminology.

d. Recognizing that the engineering of entirely new programs is inexact and risky, agencies should make efforts to retain the integrity of current systems by first examining the potential for incremental improvement of all or part of these systems. For example, this could include transfer from low level to high level languages, from sequential file processing to direct access or data base, from batch to online processing, and from unstandardized/undocumented code to standardized/documented code.

e. For these functions that cannot be engineered by incremental improvement, agencies should actively explore the purchase of existing, tested systems from reputable vendors and should screen the Federal Software Exchange Program (see FPMR 101-36.16) to determine if existing Government-owned, common-use software packages are available to meet their requirements.

f. Agencies should consider the uncertain, risky path of engineering completely new programs only a least preferred alternative, when the required systems really are innovative.

g. The maximum use of structured analysis, design, and programing is recommended to enable the efficient development of software.

2. *Planning and phasing.* a. As stated in paragraph 1a, requirements are seldom known in complete detail at the outset and rarely remain static throughout the development process. Therefore, it is important to plan and implement software development in orderly, logical phases, with required review and acceptance (or modification) planned for each phase. It is equally important, recognizing the dynamic nature of the requirements, to plan for and control changes to specifications.

b. A particular software development might include a number of design, production, and implementation phases such as the following:

- (1) Systems analysis,
- (2) Requirements definition,
- (3) Systems design,
- (4) Detailed design,
- (5) Programing,
- (6) Debugging,
- (7) Program test,
- (8) Systems integration and test,
- (9) Documentation,
- (10) Operational use,
- (11) Final test and acceptance, and
- (12) Postimplementation evaluation.

c. Depending on the complexity and size of the system and the time and resources available for the development, these phases may be subdivided or combined. However, the phases should be well defined and documented in the early stages of planning to provide a basis for evaluating the progress of the development and the performance of the contractor. Since requirements rarely remain static, it is essential to:

- (1) Deliberately cut off changes to the specifications during engineering phases,
- (2) Define change procedures to be used at the conclusion of phases to assure the control of scope and budget, and
- (3) Control the trend of continuously changing the system, by limiting changes to the release of planned discrete

versions of the system and incorporating more user experience.

d. Appendix I to GAO Report FGMSD-80-4, dated November 9, 1979, contains a helpful digest of points to be considered in planning a software development procurement.

3. *Quality assurance.* a. One item that will contribute more than any other to the success of a software development project is quality assurance. This will be particularly true if the contract highlights the following:

- (1) Exact definition of the quality expected,
- (2) Unambiguous definition of the criteria for acceptance of each phase to assure quality, and
- (3) Definition of the acceptance criteria methodology for measuring whether contract requirements are met.

b. To implement a phased approach to the management of a software development project, interim deliverable products and the criteria for accepting them should be developed for each phase during the definition of requirements. An interim deliverable should be a substantive and tangible product necessary for the orderly completion of the project. However, when the interim deliverable is not sufficiently substantive to support a partial payment, interim deliverable products should not be used as a substitute for the use of a progress payments clause. As the development progresses, the detailed definition of interim products associated with development phases may include:

- (1) System design specifications,
- (2) Program design specifications, and
- (3) Debugged and independently tested program modules and subsystems.

c. Since the development of new software is largely a human process, it can be assumed with certainty that untested programs contain errors both in logic and deviation from standards. The resolution of these errors consumes resources in an exponentially increasing manner the further through the life cycle they are allowed to continue before detection. Quality control at the point of accepting a new system consequently becomes key to assuring that the delivered product does not contain hidden additional costs passed on to the unwary buyer in the form of high maintenance costs. This is the key to reducing the resources (almost two-thirds of all programmer time) required for software maintenance. It is important that unambiguous acceptance criteria be employed in the final acceptance of the completed system by the buyer. As a minimum, this should ensure (1) that the

software is comprehensively tested, (2) that the software produces exactly the required results, and (3) that the software has been prepared according to standards required in the contract to ensure maintainability.

b. A software buyer can be much more confident that these acceptance criteria have been met if they are constructed in such a way that compliance with the criteria can be measured with a computer utility program. This provides a discipline that ensures clear understanding between the contractor and the buyer as to the basis for acceptance and payment. This will ensure that:

(1) All software has been tested as indicated by a test execution monitor,

(2) The results produced by the programs are 100 percent accurately compared by a file comparator to the anticipated test data results defined during the design and program specification tasks, and

(3) The software (through the use of a code analyzer) meets the standards specified in the contract. These, as a minimum, will include Federal Information Processing Standards (FIPS) languages, but also may include standard indentation of code, "Go-to-less" programming, or other forms of structuring.

e. The tools to accomplish the functions discussed in 3d are often available within the Government and are generally available from the private sector.

f. The acceptance criteria should be supplemented through consideration of other important factors, such as:

(1) Run time,

(2) Response time,

(3) Comprehensiveness of documentation, and

(4) Accuracy of documentation.

g. A Government official should be responsible for certifying that interim and final products satisfy the established acceptance criteria. A qualified Government official(s) should participate in and closely monitor testing. The best assurance of unambiguous conformance will be achieved through the use of machine-measurable acceptance criteria whenever possible. Satisfaction of acceptance criteria and certification by the assigned, responsible official should be a precondition for payment of invoices for partial payments based on interim deliverable products. The amount of the partial payments should not exceed the estimated value of the products delivered. Payments should not be made unless the products delivered have been accepted.

4. *Contracting techniques.* a. *Method of procurement.* If a software product has been developed and defined in detail and is frozen so that the job to be done is simply one of routine programming and testing, it should be possible to award a contract for a software project on the basis of formal advertising procedures (see FPR Part 1-2 or, if applicable, Defense Acquisition Regulations (DAR) Section 2). However, few projects are that well defined at the outset. As a result, the highly technical and creative nature of the work frequently necessitates evaluation of technical and management factors to ensure that awards are made to the best advantage of the Government, price and other factors considered. Therefore, many software developments involve the negotiated procurement method (see FPR Part 1-3 or, if applicable, DAR Section 3).

b. *Contract type.* (1) To the extent possible, agencies should ensure that the major portion of their overall systems engineering budgets are awarded on the basis of fixed-price contracts for specified fixed products. If requirements for the final system or a major portion of it are not well enough defined to be contracted for on a fixed-price basis, the agency should consider awarding a smaller cost reimbursement contract for requirements definition so that a subsequent fixed-price type arrangement can be employed.¹ Only in unusual situations should more than half of the overall systems engineering budget be contracted for on a cost-reimbursement basis. When used, however, a cost-plus-incentive-fee (CPIF) or cost-plus-award-fee (CPAF) type contract should be considered.

(2) Requirements type contracts, indefinite quantity type contracts, and basic ordering agreements also may be employed (see FPR 1-3.4 or, if applicable, DAR 3-4). These arrangements may be appropriate when the application to be developed, the hardware and system software involved, the personnel skill categories needed, and the type of overall system acquired are all known, but the precise requirements and the time of delivery are unknown.

(3) The contracting techniques set forth in paragraph 4b(2) normally involve task orders. When task orders are used, the guidance regarding

¹ When entering into contracts for requirements definition, agencies should be careful to avoid placing the contractor in a position where the contractor's judgment may be biased or where an unfair competitive advantage exists; i.e., an organizational conflict of interest. Appendix G of the DAR contains guidance on how to avoid organizational conflicts of interest.

definition of requirements, planning and phasing, and quality assurance should be followed regarding each individual requirement and each individual task order. In addition, every effort should be made to negotiate fixed-price task orders for specified fixed products, including, if necessary, the issuing of a small nonfixed-price type task order for requirements definition, to allow fixed-price task orders to be issued as the project progresses.

(4) A time-and-materials or labor-hour type contract is appropriate only when no other type of contract will suffice and it is urgent that work be initiated (see FPR 1-3.406 or, if applicable, DAR 3-406). This type of contract merely pays for hours and materials used, whether productive or not, and should only be entered into for very preliminary stages of feasibility exploration or preliminary design. The degree of Government monitoring required for this type of contract may cause problems in that Government "supervision" of contractor personnel may border on "personal services." Personal service contracts require specific authorization and generally should be avoided.

c. *Contract provisions.* It is necessary to define the scope and technical requirements in as much detail as possible and to define any critical technology required. Specific sections should be developed within the contract, listing:

(1) Deliverable items,

(2) Acceptance criteria for each item,

(3) Delivery schedule,

(4) Contractor responsibilities for materials,

(5) Government responsibilities for materials, and

(6) Remedial courses of action for problems involving items (1) through (5), above.

d. *Other provisions.* Provisions that will help to define the Government's and the contractor's roles and responsibilities and to protect the Government's interests include:

(1) Change authorization, pricing, and control methodology,

(2) Description of Government contract administration positions, including the functions and authorities of each,

(3) Definition of the rights of the Government and the limitations on the contractor's rights to the software, data, and information,

(4) Warranty limitations applicable to the Government-furnished software,

(5) Period of time during which the contractor will be required to correct any latent defects in the software,

(6) Liquidated damages provision for late delivery and/or unacceptability of products (see FPR 1-1.315 or, if applicable, DAR 1-310), and

(7) Establishment of the Government's right to audit contractor and subcontractor records.

5. *Evaluation and award.* a. *General guidance.* (1) A contract award based on the lowest price available from responsible offerors, when offers are technically acceptable, is the preferred basis for an award when it is not necessary and appropriate to consider other factors. For example, this approach could be appropriate when the objective can be satisfied without paying the additional price that is associated with greater technical capability or when the impact of possible unsatisfactory performance on the objective can be estimated and tolerated. When these conditions do not apply (because the requirement is not defined in enough detail to permit award based solely on low price), technical and other nonprice award criteria should be used.

(2) The relative weights of price and nonprice factors should be justified and documented before solicitation issuance to ensure that the assignment of weights is not influenced (consciously or otherwise) by the form or content of proposals or the identification of offerors. This serves to protect the integrity of the selection process. The consideration of all offerors within the competitive range is required. Accordingly, no predetermined minimum acceptable cutoff should be established.

(3) There is no known objective technique for precisely determining the optimum weighting. While price generally will be a most important factor, lowest offered price need not be the controlling factor. However, when it is determined that technical weight and other factors should be considered together with price, all of the evaluation factors should be justified and well documented. The numerical weights assigned to technical and management factors will be based upon the informed judgment of those who develop the specification of requirements. This should be done after an analysis of the requirements relative to the following factors:

(a) Technical complexity of the application,

(b) Operational complexity of the application (e.g., interactive or local batch types and speeds of communications transmissions, etc.), and

(c) Managerial complexity of performance (e.g., dependence on the

variability of the applications, users, and performance locations).

(4) Normally, only the relative importance of evaluation factors should be shown in the solicitation document. However, when the contracting officer determines that disclosure of numerical weights is necessary to clearly convey to offerors the relative importance of evaluation factors and the Government's negotiation position will not be impaired by such disclosure, numerical weights may be disclosed in the solicitation document [for those subject to the DAR, see 3-501(m)(i)]. This determination should be made with appropriate recommendations from technical officials and should be documented in the contract file.

b. *Evaluation.* Because of the technical and management complexity of software development contracts, it is important that the qualifications (and responsibility) of offerors be carefully evaluated regarding their ability to perform. The engineering of software is a process that is frequently conceptually easy, yet the realization of any approach is fraught with the unexpected. Because of this, the two most important factors contributing to success of a project are how many of the problems have already been solved and how the vendor has institutionalized these solutions. These are not separable, and both are necessary to assure a high probability of success for the project. Solution of the problems can be demonstrated in many ways, such as prior experience in developing systems and components of systems in the application area and prior experience in the technological environment of systems in the application area. Such experience should be similar in size and complexity to the system being acquired. The institutionalizing of solutions can also be demonstrated in many ways, such as specific software tools, written procedures, framework systems or components, or organized teams of skilled, experienced staff. Factors such as these should be evaluated closely. The following methods are recommended:

(1) The offeror should identify the problems of developing the system, and specify how these problems have been solved by the offeror in the past and how the solution to these problems is built into the technological approach proposed.

(a) The specific tools to be applied to the engineering process should be described and the specific problem that they solve should be explained.

(b) Documented procedures to be followed that address problem areas

should be described together with the nature of the problem they solve.

(c) The use of framework systems, packages, libraries, or macrogenerators that obviate the need for line-by-line development of all the new programs should be described. The offeror should indicate how these have been used previously and the problems that are solved by them.

(d) The offeror should describe how other experience that has solved problems in the engineering of similar sized systems will be used in this specific project. This may include specialized teams or individuals and specialized project training.

(2) The offeror should present a feasible plan for starting and continuing work under the contract, including managing the contract and resources, such as personnel and computers. Plans should be evaluated for feasibility, soundness, and depth of understanding of how the work will be accomplished.

(a) The location of the offeror's primary support office for the contract should be identified. The proposal should describe how corporate management will support the contract, including such items as the corporate chain of command, where contract management fits into the corporate organization, and delegations of authority—especially those to the contract management. These elements should be evaluated as to how well they will ensure responsiveness to Government requirements.

(b) The offeror should describe how the various phases of the software development will be organized, scheduled, and monitored. The proposal should describe the processes from receipt of a software development requirement through acceptance of deliverable products by the user. Planning, estimating, accounting, cost control, and administrative procedures should be described. Methods of handling multiple requirements and changes in scope, priorities, and schedules should be explained.

(c) The proposal should describe the offeror's personnel resources, operating procedures for recruiting, training, security clearance processing, and computers and other facilities to be applied. The extent of available resources and resources to be procured or recruited should be evaluated closely and should include consideration of the following:

(i) How and where personnel problems will be resolved, including the offeror's procedures for handling rejection of an individual proposed for assignment to a task;

(ii) The policies and procedures to be used in determining the skill categories and quantities of personnel necessary to satisfy requirements in a timely and economical manner in conformance with professional standards—the offeror's understanding of the solicitation and the personnel consideration in operations of the type anticipated in the contract should be indicated;

(iii) The clarity and capability of the offeror's proposed staffing approach with respect to the generation of the quantity of personnel in the mix of skill categories and levels appropriate to the effort which are anticipated under the contract; and

(iv) With respect to any computer-time resources required, the clarity of the proposal and the offeror's capability to supply the levels and type of computer resources appropriate to the effort anticipated under the contract—this should include careful evaluation of communications, terminals, etc. for remote use of resources.

(3) The offeror should show the representative past experience of the firm in performing similar work. Each example should include the customer, description of work, size of the job in personnel and dollars, period of performance, and degree of success (dollars and time in relation to estimates). The examples should be evaluated based on their degree of similarity to the work to be covered by the contract, the offeror's degree of success, and the overall complexity of the examples given. It is particularly important that the prior experience has been accomplished under terms and conditions which are similar to the subject contract.

(4) Resumes should be submitted by the offeror for key management, supervisory, and technical personnel. Resumes should indicate the skill level for which the individual is proposed and qualifying education and chronological work experience. Each resume should be evaluated regarding the extent to which indicated skill levels are met and the degree of significant experience shown. "Significant" experience is that specialized experience that includes direct, participatory involvement of sufficient duration to achieve a continuing expertise at a level of responsibility appropriate to the skill level for which the resume is offered.

6. *Contract administration.* Software development projects present special problems. These problems should be addressed in the procurement planning, solicitation, and award phases. They also need special emphasis in the contract administration process. Software development is creative in the

same sense that design engineering is creative and requires personnel with specific, high-level technical skills. In its later phases, it is production-oriented with precise requirements that have to be satisfied.

a. *Government-furnished facilities and services.* An important part of the planning for a software development contract is deciding which facilities, supplies, and services are to be provided by the contractor and which are to be provided by the Government. The determination should be based upon the best estimate of the most economical and efficient source for each item. The contract should clearly state who will furnish the property or the method and criteria for deciding who will furnish the property. Government-furnished items may include:

- (1) Office space,
- (2) Office supplies,
- (3) Computer time,
- (4) Terminals, and
- (5) ADP media (cards, tapes, disks, printout paper, microfilm).

b. *Interpretation.* During each phase of software development, interpretations of technical and operational requirements will often be required. This function is especially important in the systems design and testing/acceptance phases. A frequent problem that arises is determining if a contract change is required and if a price change and/or a change in delivery is justified. This situation can occur when technical or operational requirements change, necessitating contract requirement or scope changes that may justify a price adjustment and/or a change in delivery. Contractor inefficiencies, oversights, or poor estimates are not justifications for price adjustments or changes in delivery. Care should be exercised to ensure that the decision to make a change is made consciously and is documented by a contract change rather than becoming a "constructive" change resulting from a technical interpretation. The technical and contracting authorities for each member of the contract administration team should be clearly identified and documented so that they and the contractor fully understand the role of each individual.

c. *Performance monitoring.* To make informed decisions on contract administration matters during all phases of software development, the Government should closely monitor the progress and problems encountered in contractor performance. Frequent informal, personal contacts should be maintained with contractor management personnel. These continuing contacts should be supplemented by periodic progress and problem reports and status

review meetings between contractor management and Government contract administration personnel. Reports should provide sufficient detail to properly convey the status of the project in terms of time, money, personnel, and other pertinent resources.

d. *Personnel.* (1) If an agency must contract for a phase of software development (e.g., requirements definition) on a cost-reimbursement or time-and-materials basis, the agency should define and agree with the contractor on functional, experience, and educational requirements for key technical and management positions prior to contract award. Nontechnical positions, such as those providing clerical, financial, and administrative support, are better left to the discretion of the contractor. Prior to their assignment to the contract, key personnel should have their resumes reviewed by a knowledgeable Government official to ensure that they meet the qualifications of the position to which they are to be assigned. These actions are normally not necessary when clear acceptance criteria are defined and the software development is contracted for on a fixed-price basis.

(2) Once accepted by the Government and assigned to the contract, an individual should be assigned work, supervised, and reassigned as necessary by the contractor without Government approval or interference. This will help to avoid any adverse inference regarding "personal services."

7. *GSA contracting arrangements.* a. GSA's Office of Software Development provides a variety of reimbursable services to agencies in selected phases of software development. Its Federal Conversion Support Center provides services to agencies in all phases of software conversion. These include technical and contractual assistance. Its Federal Compiler Testing Center provides services in the acceptance testing and validation of software. Finally, it operates the Federal Software Exchange Program to assist agencies in determining whether alternative systems exist.

b. The regional offices of GSA administer contracts under which firms provide systems analysis and programming services to Federal agencies who sign interagency agreements with GSA. For further information regarding these contracts, contact the regional ADTS Agency Services Coordination Division or the ADTS Central Office

Contract Programs Division (202-566-0546).

[FR Doc. 81-18864 Filed 6-5-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Advisory Committees; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the establishment of the following committees by the Secretary, Department of Health and Human Services.

National Arthritis Advisory Board. This committee shall review and evaluate the implementation of the current Arthritis Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting arthritis, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of the Plan.

National Diabetes Advisory Board. This committee shall review and evaluate the implementation of the current Diabetes Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting diabetes mellitus, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation and revision of the Plan.

National Digestive Diseases Advisory Board. This committee shall review and evaluate the implementation of the current Digestive Diseases Plan; periodically update the Plan to ensure its continuing relevance; for the purpose of assuring the most effective use and organization of resources respecting digestive diseases, advise and make recommendations to the Congress and the Secretary, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other

appropriate Federal agencies for the implementation and revision of the Plan.

Authority for these committees shall terminate on September 30, 1983, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: May 29, 1981.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 81-18830 Filed 6-5-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Gulf of Mexico Outer Continental Shelf Oil and Gas Leasing; Notice of Intent To Prepare a Regional Environmental Impact Statement for the Gulf of Mexico

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and subsequent implementing CEQ regulations, and in keeping with the objective of streamlining the Outer Continental Shelf (OCS) leasing process, the Bureau of Land Management's New Orleans OCS Office intends to prepare a multisale regional environmental impact statement (EIS) for the Gulf of Mexico (GOM) OCS planning area. This area includes tracts offshore the five coastal states of Florida, Alabama, Mississippi, Louisiana and Texas.

The purpose of the regional EIS is to provide a detailed statement describing the environmental impact of, and alternatives to, a proposed major federal action. The action is the sale of leases for all GOM sale areas included on the 5-year OCS oil and gas leasing schedule.

The regional EIS will describe OCS oil and gas leasing program objectives and policies for the Gulf of Mexico, including but not limited to, the amount and location of leasing acreage; development and transportation assumptions; lease stipulations and other mitigation measures; and studies program requirements. It will also describe the environmental effects of the leasing program and the major alternatives being considered. It will focus on and analyze the major concerns and issues related to OCS oil and gas development in the GOM.

The scoping process will include meetings with representatives of government, industry and environmental interest groups. Additionally, solicitation will be made for the identification of issues and concerns from the public at large through coastal media contacts comprised of newspapers, radio and television. Should response from these solicitations

indicate considerable public interest and concern about the proposal and need for additional public contact to define that concern, the New Orleans OCS Office will implement more direct communications with identified individuals and interest groups.

Further information about this regional EIS, or comments on the issues to be addressed therein, should be brought to the attention of Mr. Jack Holt, Regional EIS Coordinator, Environmental Assessment Division, New Orleans OCS Office, Suite 841, 500 Camp Street, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone: 504-589-6541.

Dated: June 3, 1981.

Ed Hastey,

Associate Director, Bureau of Land Management.

[FR Doc. 81-18896 Filed 6-5-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Grand Canyon National Park, Arizona, Draft Alternatives for the Colorado River Management Plan; Intent

Notice is hereby given that the National Park Service will hold a series of five public meetings in early July in Arizona, California, Colorado and Utah to hear comments on Grand Canyon National Park's draft alternatives for the Colorado River Management Plan.

A five-year phase out of outboard motors in favor of oar-propelled craft on the 270-mile stretch of the river within the park was adopted by the Park Service in 1979, but it was subsequently vetoed by the Congress last year. The four draft alternatives for river running, all of which permit use of motorized craft, now under review are: mixed motor and oar use all year; oar use only during the winter, from October 16 to April 15; oar use only in the fall and early winter, from October 1 to January 1, and three two-week periods set aside for the exclusive launching of oar trips between April 16 and October 15.

The public meetings on the plan each provide for an opportunity for the public to chat informally with Park Service representatives from 1 to 5 p.m. followed by a formal meeting from 8 to 11 p.m., local time.

The dates and locations of the meetings are:

Monday, July 6, American Room B, Little America Motel, 2515 Butler Avenue, Flagstaff, Arizona.

Tuesday, July 7, Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Arizona.

Thursday, July 9, Bear Creek Senior High School, 3490 South Kipling, Lakewood, Colorado.

Friday, July 10, Salt Palace, Room 220, 100 Southwest Temple, Salt Lake City, Utah.

Monday, July 13, Headquarters, Golden Gate National Recreation Area, Fort Mason, Foot of Franklin Street, San Francisco, California.

In so far as possible, all those who wish to provide oral comments will be given an opportunity to do so. Depending upon the number of persons who wish to speak, however, the presiding officer may limit the time for individual presentations. Written comments about the proposed plan may be submitted prior to August 12, 1981, when the record closes, to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023.

Copies of the draft alternatives may be reviewed at the following National Park Service offices: 1115 North First Street, Phoenix; 23018 Ventura Boulevard, Woodland Hills, CA; and 450 Golden Gate Avenue, San Francisco.

Copies are also at public libraries in a number of communities including Flagstaff, Page, Phoenix, Tucson and Tempe, Arizona; Boise, Idaho; Chicago, Denver, Eugene, Ore.; Jackson, Wyo.; Missoula, Mont.; St. Paul, Minn.; Salt Lake City; Santa Fe, N.M.; San Francisco; Seattle and Washington, D.C.

Dated: May 28, 1981.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 81-10901 Filed 6-5-81; 8:45 am]

BILLING CODE 4310-70-M

New Entrance Road for Mesa Verde National Park; Intent To Prepare an Environmental Impact Statement

AGENCY: National Park Service.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Request for Issues to be Discussed.

SUMMARY: The National Park Service proposes to construct a new entrance road into Mesa Verde National Park because the present road is subject to continual landslides. The proposed new road would modify an existing unpaved service road by regrading it, using several cuts and fills, and would require either a boundary change or acquisition of right-of-way. An existing waterline would also have to be relocated. These changes to the park have the potential for significant environmental impact, thus the Service has decided to prepare an environmental impact statement

(EIS) on the proposal. Alternatives to be considered will include, but may not be limited to, the proposal, no action, and attempted stabilization of the existing entrance road. The EIS will discuss potential impacts on archeological resources, soils, plants and animals, scenery, safety, and socio-economic effects. The public is invited to suggest other issues, alternatives or impacts that it believes should be addressed in the EIS. Such comments will be received for 30 days following the publication of this notice at the addresses given below. The road problem has been well-known in the local area for a long period of time so that the National Park Service does not consider it necessary to hold a scoping meeting on the issues to be discussed. A public meeting on the draft EIS itself may be held at a later date; is so, the meeting will be announced well in advance.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert C. Heyder, Superintendent, Mesa Verde National Park, Colorado 81330, telephone 303/529-4465; or Mr. Bob Kasperek, Compliance Officer, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225, telephone 303/234-4942.

Dated: June 1, 1981.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 81-10906 Filed 6-5-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it

can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-126

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Roston, MA 02114.

MC 87451 (Sub-1-24TA), filed May 28, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). Contract carrier; irregular routes: Printed forms, telephone directories and work books and materials, equipment and supplies used in the manufacture, sale and distribution thereof, (except commodities in bulk, classes A & B explosives, and household goods as defined by the Commission), between points and places in the U.S. (except AK and HI) under continuing contract(s) with Courier Citizen Co., Lowell, MA. Supporting shipper: Courier Citizen Company, 165 Jackson Street, Lowell, MA 01852.

MC 141932 (Sub-1-21TA), filed May 28, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gradner (same as applicant). Food and related products, between the facilities of Hollywood Brands, Inc., in Crawford, Marion and Washington counties, IL, on the one hand, and, on the other, points in the U.S. in or east of MN, IA, MO, AR and LA. Supporting shipper: Hollywood Brands, Inc., 838 South Chestnut Street, Centralia, IL 62801.

MC 34087 (Sub-1-3TA), filed May 28, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same as

applicant). *Contract carrier*: irregular routes: *Food and related products* between Ottawa County, MI on the one hand, and, on the other, points in NY, NJ and PA; between Ottawa County, MI; Sandusky & Lucas Counties, OH on the one hand, and, on the other, points in Johnson & Muscatine Counties, IA; between points in Johnson & Muscatine Counties, IA on the one hand, and, on the other, points in MO on and east of U.S. Hwy 63 under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, Pittsburgh, PA. Supporting shipper: Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 153967 (Sub-1-2TA), filed May 29, 1981. Applicant: CONTRANS, INC. (a Connecticut Corp.), 25 James Street, New Haven CT 06513. Representative: Donald S. Baillie, Fazzone, Nuzzo and Baillie, P.C. 515-525 Highland Avenue, P.O. Box 765, Cheshire, CT 06410. *General commodities*, between points in CT on the one hand, and, on the other, points in the New York, NY Commercial Zone. Supporting shippers: C.H. Dexter Corporation, 1 Elm Street, Windsor Locks, CT; EIS Division, 129 Worthington Ridge Road, Berlin, CT; Chloride Systems, Mallard Lane, North Haven, CT; Laticrete International, 91 Amity Road, Bethany, CT.

MC 156167 (Sub-1-1TA), filed May 27, 1981. Applicant: KEVIN STUBBS, Patten, ME 04776. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Contract carrier*: irregular routes: *Hardwood veneer* from the premises of Patten Veneer Products, Inc. in Patten, ME to Rutland, VT; Bristol, NH; Buffalo and Cortland, NY; York, PA; Portland, TN; Chicopee, MA; and points on the international boundary line between the U.S. and Canada at Houlton and Calais, ME under a continuing contract(s) with Patten Veneer Products, Inc. of Patten, ME. Supporting shipper: Patten Veneer Products, Inc., Patten, ME 04765.

MC 156146 (Sub-1-1TA), filed May 27, 1981. Applicant: CONTRACT TRUCKING CORPORATION, Butternut Drive, East Syracuse, NY 13057. Representative: Thomas B. Hill, Leaseway Transportation Corp., 201 East Ogden Avenue, Hinsdale, IL 60521. *Contract carrier*: irregular routes: *Such merchandise as is dealt in by wholesale, retail and chain grocery, food and liquor establishments*, between Liverpool, NY, on the one hand, and, on the other, all points in NJ, CT, MA, ME, VT, NH, PA, OH, KY, and MD, under continuing contract(s) with Monarch Liquor, Liverpool, NY; M. Lichtman

Liquor and Company, Liverpool, NY; and Paul-Jeffrey Co., Inc., Liverpool, NY. Supporting shipper(s): Monarch Liquor, 6497 Cross Roads Park, Liverpool, NY 13088; M. Lichtman Liquor and Company, 4527 Crown Road, Liverpool, NY 13088; and Paul-Jeffrey Co., Inc., Steelway Blvd., P.O. Box 512, Liverpool, NY 13088.

MC 151593 (Sub-1-2TA), filed May 28, 1981. Applicant: DON MONTEIRO TRUCKING INC., 122 Park Street, Stoneham, MA 02180. Representative: William F. Mix, 153 Grove Street, Lexington, MA 02173. *Tanks, fuel oil, truck, iron or steel, or aluminum, NOI, and materials, equipment and supplies used in the sale, distribution, and manufacture thereof (except materials in bulk and classes A and B explosives)*, between Malden, MA, on the one hand, and, on the other, Quincy, IL, Baltimore, MD, Patterson, NJ, Blue Point, NY, Philadelphia, PA, Reading, PA, and Milwaukee, WI. Supporting shipper: Boston Steel & Mfg. Co., 490 Eastern Avenue, Malden, MA.

MC 17051 (Sub-1-5TA), filed May 21, 1981. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Representative: Carl S. DiPiazza (same as applicant). *Wearing apparel* (1) between points in AL, AR, KY, MS, and TN, on the one hand, and, on the other, Jackson and Memphis, TN, and (2) between points in DE, on the one hand, and, on the other, points in MS and TN. Supporting shipper: Sears, Roebuck & Co., Sears Tower, Chicago, IL 60684.

MC 155525 (Sub-1-2TA), filed May 27, 1981. Applicant: AJL TRANSPORTATION, LTD., 831 Decarie Blvd., Suite 301, St. Laurent, Quebec, CD H4L 3L8. Representative: H. Neil Garson, 3251 Old Lee highway, Suite 400, Fairfax, VA 22030. *Contract carrier*: irregular routes: *Synthetic staple fiber* from the facilities of Allied Chemical and its suppliers at Columbia and Irmo, SC; to points on the US/CD International Boundary line in the states of ME, MI, NY, and VT, under continuing contract(s) with Allied Chemical Corp. of New York, NY. Supporting shipper: Allied Chemical Corporation, 1400 Broadway, New York, NY 10018.

MC 152163 (Sub-1-2TA), filed May 27, 1981. Applicant: DARTMOUTH CONTRACT CARRIERS, INC., 70 Jenkins Street, New Bedford, MA 02740. Representative: Kenneth F. Braz (same as applicant). *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*,

between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT and DC. Supporting shipper(s): There are 17 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 42046 (Sub-1-1TA), filed May 27, 1981. Applicant: LUDDY'S EXPRESS, INC., 32 O'Brien Avenue, Whitman, MA 02382. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities, except household goods and Classes A and B explosives*, between points in CT, MA, ME, NH, RI, VT. Supporting shipper(s): There are 11 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 154121 (Sub-1-7TA), filed May 27, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Roads, Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. *General commodities (except classes A and B explosives)*, between the facilities used or utilized by Ajax Hardware Corp., its subsidiaries, division, vendors, and suppliers, located at City of Industry, CA; Chicago, IL; Cincinnati, OH; and Dallas, TX. Supporting shipper: Ajax Hardware Corp., 825 South Ajax Ave., City of Industry, CA 91749.

MC 145548 (Sub-1-2TA), filed May 27, 1981. Applicant: COMMUNITY TRANSIT LINES, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893-3050. *Contract*: Irregular: *passengers*, between 7th Ave. and 33rd St. (Pennsylvania Station), New York, NY, on the one hand, and, on the other, 60 Page Rd., Clifton, NJ, under continuing contract(s) with J. A. Preston Corp. Supporting shipper: J. A. Preston Corp., 71-5th Ave., New York, NY 10003.

MC 150254 (Sub-1-5TA), filed May 27, 1981. Applicant: ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham Street, Everett, MA 02149. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Chemicals and related products (except commodities in bulk, classes A and B explosives, and hazardous waste)*, from points in Middlesex County, MA, to Bridgeport, CT; Atlanta, GA; Indianapolis, IN; Louisville, KY; Baton Rouge, LA; Lewiston, ME; Detroit, MI; Charlotte, NC; Charleston, SC; Milwaukee, WI; points in their respective commercial zones, and points in FL, IL, MD, NJ, NY, OH, PA, TX and

VA, for 270 days. Supporting shipper: Touraine Paints, Inc., TRC Division, 1760 Revere Beach Pkwy, Everett, MA 02149.

MC 147811 (Sub-1-6TA), filed May 26, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Donald E. Martin, 94 Auburn Street, Portland, ME 04103. *Contract carrier: Irregular routes: Building products and supplies, between points on and east of the Mississippi River under continuing contract(s) with Superior Distributing of Waterville, ME. Supporting shipper: Superior Distributing, Waterville (Oakland), ME 04901.*

MC 7840 (Sub-1-6TA), filed May 26, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 50 Cooper Street, Watertown, NY 13601. Representative: Michael D. Bromley, Suite 805, 666 Eleventh Street, NW, Washington, DC 20001. *Metal products; machinery; clay, concrete, glass or stone products; and waste or scrap materials, between Rome, NY, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA. Supporting shipper: Revere Copper and Brass, Inc., P.O. Box 191, Rome, NY 13440.*

MC 150451 (Sub-1-4TA), filed May 26, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Donald E. Martin, 94 Auburn Street, Portland, ME 04103. *Contract carrier: Irregular routes: metal construction materials, from Portland, ME to points in the U.S., under continuing contract(s) with Douglas Brothers of Portland, ME. Supporting shipper: Douglas Brothers, Riverside Industrial Parkway, Portland, ME 04103.*

MC 141932 (Sub-1-20TA), filed May 22, 1981. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner. *Food and related products and materials, equipment and supplies between Cedartown, GA, Plainfield, IL and Tampa, FL on the one hand, and, on the other, points in the United States. Restricted to traffic originating at or destined to the facilities of Zartic Frozen Meats and Seafoods, Inc., 808 West Avenue, Cedartown, GA 30125.*

MC 87855 (Sub-1-3TA), filed May 27, 1981. Applicant: J.V. MOTOR LINES, INC., 69 Thomas Street, E. Hartford, CT 06108. Representative: Hugh R. H. Smith, 26 Kennwood Place, Lawrence, MA 01841. *General commodities (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and hazardous waste) between all points in MA, ME, NH, RI, VT, CT, NJ, NY and New York*

Commercial Zone. Supporting shipper(s): Transtop Inc., 666 Summer St., Boston, MA 02210; Industronics Inc., 489 Sullivan Ave., So. Windsor, CT 06074.

MC 150898 (Sub-1-8TA), filed May 27, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: Plastic board and accessories used in installation, from Fallsington, PA to points in VA, DE, MA, DC, NJ, NY, CT, RI and MA, under continuing contract(s) with W.R. Grace and Co. of Cambridge, MA. Supporting shipper: W.R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140.*

MC 156136 (Sub-1-2TA), filed May 26, 1981. Applicant: RAY KING TRANSPORTATION, 229 Cadwell Road, Pittsfield, MA 02101. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract carrier: irregular routes: Paper from the facilities of Boyd Converting Company, Inc. located at or near Pittsfield, MA to W. Palm Beach, FL, Garden Grove, CA, and Ashland and Bedford Heights, OH under continuing contract(s) with Boyd Converting Company, Inc. of Richmond, MA. Supporting shipper: Boyd Converting Company, Inc., Central Berkshire Blvd., Richmond, MA 01254.*

MC 150951 (Sub-1-3TA), filed May 26, 1981. Applicant: CRANSTON TRUCKING COMPANY (DIVISION OF CRANSTON PRINT WORKS COMPANY), 1381 Cranston Street, Cranston, RI 02920. Representative: A. Joseph Mega, 11 Newark Street, Providence, RI 02908. *Textile goods, finished or unfinished between the states of NC, SC, and GA, Fayetteville, TN, Danville and Fork Union VA, Lanett, AL and the facilities of the Newport Textile Company, Pawtucket, RI, under continuing contract(s) with Weiner & Bauer, Inc., New York, NY. Supporting shipper: Weiner & Bauer, Inc., 1040 Ave. of the Americas, New York, NY 10018.*

MC 156166 (Sub-1-1TA), filed May 26, 1981. Applicant: ALBEE TRANSPORTATION INC., Center Street, Wolfeboro, NH 03894. Representative: William L. Albee, Ledge Hill Road, Tuftonboro, NH 03861. *Contract carrier: irregular route: Wooden gun stock material from Perry, KS to Rochester, NY, under continuing contract(s) with K.W. Thompson Tool Co., Inc. of Rochester, NH. Supporting shipper: K.W. Thompson Tool Co., Inc., Juniper St., Rochester, NH 03867.*

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 145252 (Sub-II-8TA), filed May 27, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Wash., D.C. 20005. *Such commodities as are used in connection with the exploration and drilling of oil and gas wells, from Hopewell, VA, Attapulgus, GA, Micaville, NC, Syracuse, NY, and Woodbridge, NJ, to points in WY, CO, TX, OK, NM, and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Iesenman Chemicals Company, Inc., Greeley, Co 80632.*

MC 141851 (Sub-II-1TA), filed May 28, 1981. Applicant: C. C. CALDWELL TRUCKING, INC., Route #2, P.O. Box 297, Bidwell, OH 45614. Representative: John L. Alden, Stiverson and Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Iron and steel, and iron and steel products, between Callia County, OH, on the one hand, and, on the other, Tallahassee, FL and Memphis, TN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Robbins & Myers, Inc., P.O. Box 502, Bob-McCormick Rd., Gallipolis, OH 45631.*

MC 146320 (Sub-II-5TA), filed May 26, 1981. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Such commodities as are dealt in by retail department stores, between Luzerne County, PA, on the one hand, and, on the other, points in that part of the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN to the U.S.-Canada boundary line, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jewelcor, Inc., Erie and Susquehanna Ave., Exeter, PA 18643.*

MC 156147 (Sub-II-1TA), filed May 27, 1981. Applicant: TRANS-ALLIED CORP., Dundalk Marine Terminal, Baltimore, MD 21222. Representative: Michael P. Angelos (same as applicant). *Contract, irregular: (1) modular buildings, KD; (2) materials, equipment and supplies used in the manufacture of (1), from the facilities of Hendrich Corp., Edinboro, PA, on the one hand, and on the other, pts. and places in the US, except AK and*

HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hendrich Corp., P.O. Box 819, Edinboro, PA 16412.

MC 136511 (Sub-II-7TA), filed May 27, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Foodstuffs and materials and supplies used in the manufacture thereof*, between Merced County, CA, on the one hand, and, on the other, points in the United States for 270 days. Supporting shipper: Avoset Foods, Inc., 299 Fifth Ave., Gustine, CA 95322.

MC 156168 (Sub-2-1TA), filed May 28, 1981. Applicant: VOYAGER BUS LINES, INC., 13613 Engleman Drive, Laurel, MD 20811. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Passengers and their baggage*, in special and charter operations, beginning and ending at Washington, D.C., Alexandria, VA and Baltimore, MD, points in their respective commercial zones, and points in Baltimore, Howard, Montgomery and Prince Georges Counties, MD, and Arlington and Fairfax Counties, VA, and extending to points in the U.S. (except AK and HI), for 180 days. Support: There are 8 supporting shippers. Their statements may be viewed at the ICC Reg. Ofc., Philadelphia, PA.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 152987 (Sub-3-2TA), filed May 27, 1981. Applicant: MAGANN EQUIPMENT, INC., P.O. Box 1094, Summerville, SC 29483. Representative: A & B Trucking, Inc., Highway 17 North, Summerville, SC 29483. *Metal and metal articles; aluminum and aluminum products; billets, pipe, scrap, foil, plate, sheet, ingot, rod, slab, zinc and zinc alloys; ingots, scrap*, between Richmond County, GA; Georgetown, Berkeley, Charleston, Dorchester, Horry, Richland, Lexington, Orangeburg, Chester, Fairfield, Calhoun, and Orange Counties, SC, to points and places from points and places in the U.S. except AK and HI. Supporting shipper(s): Automotive Recycling Co., P.O. Box 979, Charleston, SC 29402.

Note.—Applicant intends to tack with existing authority in MC-152987 and subs thereunder.

MC 138157 (Sub-3-51TA), filed May 27, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn

(same as above). (1) *Animal feed (except in bulk)* from Ogden, UT to points in WA, OR, CA, NV, AZ, NM, CO, WY, MT, and ID; and (2) *materials, equipment, and supplies used in the manufacture, production, and distribution of animal feed (except in bulk)* from points in the United States to Ogden, UT. Restricted to traffic originating at or destined to the facilities of American Nutrition, Inc. Supporting shipper: American Nutrition, Inc., 29th and Reeves, Ogden, UT 84404.

MC 156100 (Sub-3-1TA), filed May 22, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a. GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Lee A. Plummer, 5505 Weslo Willow Road, #113, Greensboro, NC 27409. *New Furniture (restricted to residential deliveries)* from NC to points in the U.S. (except AK and HI). There are fifteen (15) statements of support attached to the application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 146402 (Sub-3-15TA), filed May 22, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (address same as applicant). *Bagged Charcoal and equipment, materials and supplies used in the manufacture and distribution thereof* from the facilities of Roseville Charcoal and Mfg. Company at Dixie, WV and McArthur, OH to points in and east of MN, IA, MO, AR, and LA. Supporting shipper: Roseville Charcoal and Manufacturing Company, P.O. Box 1188, Zanesville, OH 43701.

MC 155003 (Sub-3-6TA), filed May 20, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *Cleaning, washing and scouring compound, liquid or dry, plastic pot scourers, liquid bleach and fabric softeners in cartons, equipment, materials and supplies used in the manufacture, sale and distribution thereof*, between the facilities of Purex Corporation at locations throughout the U.S. and points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, KY, LA, MD, MA, MS, MO, NV, NJ, NM, NY, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV. Supporting shipper: Purex Corporation, 9300 Rayo Avenue, South Gate, CA 90280.

MC 155003 (Sub-3-5TA), filed May 20, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, Miss. 39212. Representative: Charles L. Moseley (same address as applicant). *Commercial sound equipment (amplifiers, microphones, guitars, loud*

speakers) and other component parts of electronic accessories thereof. Equipments, materials and supplies used in the manufacture, sale and distribution thereof, between points in Lauderdale County, MS and Scott County, MS on the one hand and on the other all points in the U.S. except AK and HI. Supporting shipper: Peavy Electronics, Inc., 711 A St., P.O. Box 2898, Meridian, MS 39301.

MC 155932 (Sub-3-1TA) filed May 21, 1981. Applicant: BELL TRUCKING COMPANY, INC., 131 Cecilianna Drive, Elizabethtown, KY 42701. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. *Asphalt flux, asphalt cement and emulsified asphalt*, between Jefferson County, KY, on the one hand, and, on the other hand, points in Harrison, Perry, Spencer, Dubois, Crawford, Floyd, Clark, Orange, Washington, Jefferson, Scott, Martin, Jackson, Lawrence, Switzerland, Jennings, Marion, Bartholomew, Shelby, Hancock, Rush, Morgan, Johnson, Monroe, Brown Decatur, Franklin, Ripley, Knox, Daviess, Pike, Gibson, Posey, Vandenburg and Warrick Counties, IN. Supporting shipper: Asphalt Material and Construction, Inc., 4902 W. 86th Street, Indianapolis, IN 46268.

MC 155675 (Sub-3-1TA), filed May 22, 1981. Applicant: PORTER WARNER INDUSTRIES, INC., 3819 Dorris Street, Chattanooga, TN 37409. Representative: M. C. Ellis, Care of Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Contract carrier; irregular route; foundry core compounds* from Cook County, IL and Cuyahoga County, OH to Caddo Parrish LA under continuing contract(s) with Ashland Chemical Company, of Columbus, OH. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, OH, 43216.

MC 17000 (Sub-3-3TA), filed May 22, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *General commodities (except classes A and B explosives)* between Chapel Hill, TN and Nashville, TN. From Chapel Hill over US Hwy 31A to Nashville and return over the same route, serving all intermediate points. Applicant proposes to interline at Nashville, TN, and to tack with all of applicant's existing regular and irregular route authority. Applicant proposes to serve the commercial zones of all service points. Supporting shippers: Genesco, Inc., P.O. Box 1090, Nashville, TN 37202.

MC 156094 (Sub-3-1TA), filed May 21, 1981. Applicant: THOMAS G. AND CORA M. NORWOOD, d.b.a. NORWOOD TRUCKING COMPANY, 5100 Thacker Dairy Road, Greensboro, NC 27406. Representative: Cora M. Norwood (same address as applicant). *New Furniture* from Guilford County, NC to Dallas and Houston, TX, Miami and Ft. Lauderdale, FL, Atlanta, GA, and Denver, CO., Supporting shipper: Interline, 551 West Fairfield Rd., High Point, NC 27284.

MC 144827 (Sub-3-10TA), filed May 22, 1981. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. (1) *Flourescent lighting fixture and parts and accessories* from facilities of L & L Manufacturing Co., Inc., at Crystal, MN, to points in the US; and (2) *Parts and accessories and materials and supplies used in the manufacture of flourescent lighting fixtures* from Danville and Chicago, IL, and the commercial zones thereof; Altoona and Pennsburg, PA, and the commercial zones thereof; Lexington, Linden and Neward, NJ, and the commercial zones thereof; and New York, NY, and its commercial zone, to facilities of L & L Manufacturing Co., Inc. at Crystal, MN. Supporting shipper: L & L Manufacturing Co., Inc., 3300 Winpark Dr., Crystal, MN 55427.

MC 149123 (Sub-3-1TA), filed May 22, 1981. Applicant: BOAZ PRODUCE COMPANY, P.O. Box 220, Boaz, AL 35957. Representative: Eugene D. Anderson, 910 Seventeenth Street, N.W., Suite 428, Washington, D.C. 20006. (1) *Cards, envelopes, books, printed matter, and plastic* from Port Chester, NY to Walls, MS (2) *Fiberboard Cartons* from North Babylon, NY to Memphis, TN and Huntville, AL. Supporting shippers: Sacred Heart League Walls, Mississippi 38680, MC Packaging Corporation P.O. Box 1031 Melville, Long Island 11747.

MC 56799 (Sub-3-4TA), filed May 27, 1981. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY 40602. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Common carrier*; regular: *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)*, (1) between Louisville and Munfordville, KY, over U.S. Hwy. 31W serving all intermediate points, (2) between Elizabethtown and Cub Run, KY, from Elizabethtown over KY Hwy. 61 to junction U.S. Hwy. 31E, thence over U.S. Hwy. 31E to junction KY Hwy. 88,

thence over KY Hwy. 88 to Cub Run, KY, and return over same route serving all intermediate points and serving Buffalo, KY, as an off-route point, (3) between Sonora and Hodgenville, KY, over U.S. Hwy. 84 serving all intermediate points, (4) between the facilities of (a) USM Corporation, Parker-Kalon Division, (b) Union Underwear Company, Inc., and (c) Ingersoll-Rand Company, at or near Campbellsville, KY, and Louisville, KY: From Campbellsville, KY, over U.S. Hwy. 68 to junction KY Hwy. 61, thence over KY Hwy. 61 to junction Interstate Hwy. 65, thence over Interstate Hwy. 65 to Louisville, KY, and return over the same route serving no intermediate points, (5) between Elizabethtown and Lexington, KY, from Elizabethtown over Blue Grass Parkway to junction U.S. Hwy. 60, thence over U.S. Hwy. 60 to Lexington serving no intermediate points but serving the junction of Blue Grass Parkway and U.S. Hwy. 127 for joinder only, and (6) between Frankfort, KY, and the junction of U.S. 127 and Blue Grass Parkway serving no intermediate points but serving the junction of U.S. 127 and Blue Grass Parkway for joinder only. Applicant proposes to tack Routes 1 through 6 above with each other and with applicant's existing authority at Louisville, Frankfort, and Lexington, KY. Supporting shippers: 15 statements of support are attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 142467 (Sub-3-2TA), filed May 27, 1981. Applicant: DIXIE FREIGHT LINE, INC., 3291 Highway 82 East, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. A. Regular routes: (1) *Farm implements, farm implement parts and farm supplies*; (2) *automobile, truck and bus parts and supplies*; (3) *electrical equipment, machinery, appliances, parts and supplies*; and (4) *pharmaceuticals, drugs, medical and hospital equipment and supplies, and such commodities as are dealt in or used by retail drug stores and pharmacies (except commodities of unusual value, hazardous wastes and hazardous materials, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*: (a) Between Memphis, TN and Rolling Fork, MS, via Hwy. 61, serving all intermediate points including the termini; (b) Between Leland and Greenville, MS, via Hwy. 82, serving all intermediate points, including the termini; (c) Between Rolling Fork, MS, and the intersection of U.S. Hwy. 49 and 61, serving all intermediate points, including the termini: From Rolling Fork, via MS Hwy. 14 to its

intersection with MS Hwy. 1; than via MS Hwy. 1 to its intersection with U.S. Hwy. 49 east of the Helena AR bridge; than via U.S. Hwy. 49 to its intersection with U.S. Hwy. 61, and return over the same route; (d) Serving all points in Bolivar, Coahoma, DeSoto, Sharkey, Tunica, and Washington Counties, MS, as off-route points in connection with carrier's otherwise authorized regular route service. Restricted against the transportation of any shipment or shipments from any one consignor at one location to any one consignee at one location weighing in the aggregate more than 2,500 pounds in any one day: B. *Irregular routes: Equipment, materials and supplies used in the manufacture, repair and servicing of vessels and watercraft (except commodities in bulk and those requiring special equipment)*: Between points in AL, AR, DE, FL, GA, KS, KY, IA, IL, IN, LA, MI, MN, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV. Restricted against the transportation of any shipment or shipments from any one consignor at one location to any one consignee at one location weighing in the aggregate more than 15,000 pounds in any one day. There are eleven statements of support attached to this application which may be examined at the Atlanta Regional ICC Office, Atlanta, GA.

Note.—Applicant requests authority to tack with existing authority in MC 142467 [lead docket] and to interline with other carriers at Clarksdale, Cleveland, and Greenville, MS and Memphis, TN.

MC 2934 (Sub-3-37TA), filed May 28, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Engineering exhaust systems*, from Mayville, WI to all points in the United States (except AK and HI). Supporting shipper: Econonent Systems, Inc., Division of Maysteel Corp., 800 Horicon St., Mayville, WI 53030.

MC 155003 (Sub-3-9TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Foodstuffs, except in bulk, not requiring refrigeration*, between points in CA, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Serv-A-Portion, 9140 Lurline Ave., Chatsworth, CA 91311.

MC 155003 (Sub-3-7TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 39212. Representative: Charles L. Moseley (same address as applicant). *Iron and steel hardware used in building*

construction. Equipment, materials and supplies used in the manufacture, sale and distribution thereof, between points in MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Solar Hardware Company, P.O. Box 537, Taylorsville, MS.

MC 155003 (Sub-3-8TA), filed May 28, 1981. Applicant: FREIGHT MASTERS, INC., P.O. Box 6855, Jackson, MS 29212. Representative: Charles L. Moseley (same address as applicant). *Mattresses, mops, brooms, brushes, plastic wares and other related household accessories. Equipment, materials and supplies used in the manufacture, sale and distribution thereof,* between points in MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Mississippi Industries for the Blind, 2501 N. West St., Jackson, MS.

MC 141088 (Sub-3-1TA), filed May 28, 1981. Applicant: KEYSTONE DELIVERY SERVICE, INC., 60 NW 37th St., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *Contract, irregular routes: (1) Such merchandise as is sold or distributed by a manufacturer of cosmetics, and (2) equipment and supplies used in connection with such business,* between points in Brevard, Hillsborough, Indian River, Lake, Marion, Martin, Okeechobee, Orange, Osceola, Polk, St. Lucie, Seminole, Sumter and Volusia Counties, FL, under continuing contract(s) with Avon Products, Inc., Atlanta, GA. Restricted to traffic moving in interstate or foreign commerce. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30348.

MC 682 Sub-3-2TA), filed May 28, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, Esq., 1000 Connecticut Avenue, N.W., Suite 1112, Washington, D.C. 20036. *General commodities (except classes A and B explosives),* between Austin, TX, on the one hand, and on the other points in AL, FL, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, ND, OH, PA, SC, SD, TN, WV, and WI, under continuing contract(s) with International Business Machines Corporation of Princeton, NJ. Supporting shipper(s): International Business Machines Corporation, P.O. Box 10, Princeton, NJ 08540.

MC 151095 (Sub-3-3TA), filed May 28, 1981. Applicant: BLUE & WHITE EXPRESS, INC., Route 1, Box 278D, Richmond, KY 40475. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Metal products,*

between points in OH, KY, IL, IN, TN, MI, MS, MO and GA. Supporting shipper(s): Baker Iron and Metal Company, 717 N. Limestone St., Lexington, KY 40502.

MC 141970 (Sub-3-1TA), filed May 28, 1981. Applicant: COOSADA TRUCKING COMPANY, INC., P.O. Box 3412, Montgomery, AL 36109. Representative: J.K. McCorkle, 626 Wesley Drive, Montgomery, AL 36111. *Contract carrier; irregular routes; flu dust in dump trailers,* from Demopolis, AL to Baton Rouge, LA and New Orleans, LA under a continuing contract(s) with Materials, Inc., Prattville, AL. Supporting shipper(s): Materials, Inc., P.O. Box 327, Prattville, AL 36067.

MC 129537 (Sub-3-10TA), filed May 28, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dewes Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, FL 33602. *Carpeting, carpet padding, floor covering, materials, equipment and supplies used in the manufacture and installation thereof,* between points in Mobile, Baldwin, and Escambia Counties, AL on the one hand, and on the other, points in the United States, except FL, GA, MS, AR, LA, TX, OK, and NM. Supporting shipper: C. H. Masland and Sons, P.O. Box 11467, Mobile, AL 36611.

MC 124117 (Sub-3-6TA), filed May 28, 1981. Applicant: EARL FREEMAN AND MARIE FREEMAN d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Malt beverages and brewery supplies,* between Fostoria, OH and its commercial zone, on the one hand, and, on the other, points in AL, FL and MS. Supporting Shipper: Stroh Brewing Company, 1 Stroh Drive, Detroit, MI 48228.

MC 111936 (Sub-3-7TA), filed May 29, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Coin-operated machines,* from points in Dade County, FL and Cook and Kane Counties, IL, to points in NC and SC. Supporting shipper: Palmetto State Dist. Co., Inc., 800 Semart Dr., Box 26717, Raleigh, NC 26711.

MC 111201 (Sub-3-3TA), filed May 28, 1981. Applicant: J. N. ZELNER & SON TRANSFER COMPANY, Post Office Box 91247, East Point, GA 30364. Representative: Arhie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Palp, paper and allied products,*

between McMinn County, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 124835 (Sub-3-10TA), filed May 28, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Sodium sulfate,* from Hamblen County, TN, to all points in the U.S., except AL, GA, KY, SC, TN, and VA. Supporting shipper: International Salt Co., Clarks Summit, PA 18411.

MC 148540 (Sub-3-1TA), filed May 28, 1981. Applicant: DIXIE GAS, INC., P.O. Box 40, Marks, MS 38646. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Anhydrous ammonia, in bulk, in tank vehicles,* from the facilities of Allied Chemical Corporation at Helena, AR to points in AL, KY, LA, MS, MO, and TN. Supporting shipper: Mississippi Chemical Corp., P.O. Box 388, Yazoo City, MS 39194.

MC 106074 (Sub-3-27TA), filed May 28, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221, S., Forest City, NC 28045. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *Wine and foodstuffs* from points in CA, OR and ID to points in NC and SC. Supporting shippers: Better Beer and Wine Company, 2847 Commerce Drive, Columbia, SC 29304; ETL Corporation, P.O. Box 9525, Asheville, NC and State Distributing Corp., P.O. Box 18927, Raleigh, NC 27619.

MC 117427 (Sub-3-3TA), filed May 29, 1981. Applicant: G.G. PARSONS TRUCKING CO., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Boots and shoes* from the facilities of Blue Ridge Shoe Company, division of Melville Corp. at Wilkesboro, Sparta, Boone, Hot Springs, Robersonville, and Aulander, NC, and Mountain City, TN; from the facilities of Miller Show Company, division of Melville Corp. at Brunswick and Norway, ME, and Somersworth, NH; and from the facilities of J.F. McElwain Company, division of Melville Corp. at Nashua, NH, and Athol, MA, to the facilities of Thom McAn Shoe Company at Brockton and Mansfield, MA and Danville, KY. Supporting shipper: J.F. McElwain Co., division of Melville Corp., 12 Murphy Drive, Nashua, NH 03061.

MC 156178 (Sub-3-1TA), filed May 29, 1981. Applicant: DONALD E. PECK, d.b.a. DON PECK'S MOVING & STORAGE, 1101 Chester Hack Drive, Paducah, KY 42001. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601. *Contract carrier, irregular routes, such commodities as are dealt in by dealers of lumber and building materials, between McCracken County, KY, on the one hand, and, on the other, points in IL, KY, MO and TN. Supporting shipper: Cole Lumber Company, Inc., 1035 Division Street, Paducah, KY 42001.*

MC 116254 (Sub-3-29TA), filed May 29, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35631. Representative: M. D. Miller (same address as applicant). *Fertilizer and Fertilizer Materials, from Baltimore, MD, to DE, NJ, NY, PA, and VA. Supporting shipper: Agrico Chemical Company, One Williams Center, Tulsa, OK 74101.*

MC 155916 (Sub-3-2TA), filed May 28, 1981. Applicant: ARDMORE FARMS, INC., Post Office Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Plastic resins (except in bulk), from the facilities of American Venezuelan International Industries Corporation, Ltd., registered as AVI Industries, at or near Parkersburg, WV; Totowa and Trenton, NJ; Ottawa, IL; Houston, TX; Conneaut, OH; Spartanburg, SC; and Nashville and Knoxville, TN, to points in FL. Supporting shipper: AVI Industries, 1301 Highway 92 East, De Land, FL 32720.*

MC 156184 (Sub-3-1TA), filed May 28, 1981. Applicant: QUICK TRANSPORTATION, INC., 1320 Elm Hill Pike, Nashville, TN 37210. Representative: Earl Douglas Ison, Jr. (same as above). *General commodities, except Classes A and B explosives, between points in GA, IL, IN, KY, MI, MO, OH and TN. Supporting shipper(s): There are 82 statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.*

MC 75840 (Sub-3-62TA), filed May 27, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA. 30326. *Chemical and allied products, between the facilities of Olin Corporation located at Bradley and Hamilton Counties, TN, on the one hand, and, on the other, points in TX. Supporting Shipper: Olin Corporation, 120 Long Ridge Rd., Stamford, CT, 06904.*

MC 156149 (Sub-3-1TA), filed May 27, 1981. Applicant: B & C BUS LINES COMPANY, INC., 266 Joule Street, Alcoa, TN 37701. Representative: Hugh E. DeLozier, Jr., P.O. Box 115, Maryville, TN 37801. *Common; regular and irregular. (a) passengers and their baggage and express and newspapers in the same vehicle with passengers between Alcoa, TN, and Knoxville, TN, serving all intermediate points: (1) from Knoxville over U.S. Hwy 129 to Alcoa and return over the same route, and (2) from Knoxville over TN Hwy 33 to Alcoa and return over the same route; and (b) passengers and their baggage in charter operations from points in Blount County, TN, to points in the United States (including AK but excluding HI) and return. Applicant intends to interline with other carriers at Knoxville, TN. There are 18 support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.*

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 25823 (Sub-4-2TA), filed May 27, 1981. Applicant: WERCH TRUCKING COMPANY, INC., Box 113, Berlin, WI 53923. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Contract Hydraulic equipment and materials, equipment, and supplies used in the manufacture and distribution of hydraulic equipment (1) between Chicago, IL and St. Louis, MO, on the one hand, and, on the other, points in WI and the Upper Peninsula of MI; and (2) between Searcy, AR, Joplin, MO, and Omaha, NE, on the one hand, and, on the other, points in IL, MI, and WI. An underlying ETA seeks 120 days authority. Supporting Shipper: Sperry-Vickers, 6600 North 72nd Street, Omaha, NE 68122.*

MC 94430 (Sub-4-5TA), filed May 22, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Calcined petroleum coke, between Cresap, WV, on the one hand, and, on the other, points in OH. Supporting Shipper: Mountaineer Carbon Company, Midland Building, Cleveland, OH 44115.*

MC 97569 (Sub-4-1TA), filed May 26, 1981. Applicant: DAVID G. BUNJER (Individual), Rural Route No. 174, Colton, SD 57018. Representative: (Same as applicant). *General Commodities: interline at Sioux Falls, SD; from, to, or between the SD towns of Renner, Baltic, Dell Rapids, Colton, Chester, Lyons,*

Crooks, Franklin, Madison, Hartford, Humboldt, and Buffalo Ridge. Supporting shippers: Berge's Grocery Store, Colton, SD; Van's Coop, Colton, SD; Koopman and Sons Gas Co. Inc., 306 E. 7th, Colton, SD; Alpha Enterprises Inc., 329 E. 9th Colton, SD.

MC 97699 (Sub-4-1), filed May 27, 1981. Applicant: BARBER TRANSPORTATION COMPANY, 1970 Deadwood Ave, P.O. Drawer 1970, Rapid City, SD 57701. Representative: F. Kimball Joyner, Jr., 1600 Lincoln Center, 1680 Lincoln St., Denver, CO 80264. *Common; Regular; General Commodities, except Class A and B explosives, between Dickinson, ND and Williston, ND, serving all intermediate points and their commercial zones, from Dickinson, ND over U.S. Interstate Highway 94 to Belfield, ND, thence over U.S. Highway 85 to Williston, ND, and return over the same route. Applicant intends to tack the requested authority with its existing authority. Supporting shipper(s): There are 35 supporting shippers.*

MC 118776 (Sub-4-8TA), filed May 26, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: L. F. Blackstun, (same address as applicant). *Beer and Related Advertising Material, and Empty Beer Containers, (1) Between Ft. Wayne, IN on the one hand and Quincy, IL and Hannibal, MO, on the other, (2) Between Burlington, IA on the one hand and Columbus, OH and St. Louis, MO on the other. Supporting shippers: Balbort Beverage Company, 1820 Charles Street, Burlington, IA 52601; Gem City Distributors, 425 South Front, Quincy, IL 62301; Mark Twain Beverage, 305 South 8th Street, Hannibal, MO 63401.*

MC 118838 (Sub-4-10TA), filed May 26, 1981. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnel, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Metal products and machinery between points in CA, IA, ID, IL, IN, MN, MO, MT, ND, NE, OH, OR, SD, WA, WI and WY, under a continuing contract(s) with Valley Industries, Inc., St. Louis, MO. Supporting shipper: Valley Steel Products Company, P.O. Box 429, Centralia, IL 62801.*

MC 127187 (Sub-4-7TA), filed May 26, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Contract Irregular: Lumber and wood*

products, between points in the U.S. under contract or continuing contracts with (1) T. W. Hager Lumber Company, Grand Rapids, MI, and its following affiliate companies: Marquette Lumbermen's Warehouse, Grand Rapids, MI; Ha-Marque Wood Preservers, Grand Rapids, MI; Marquette Fabricators, Sparta, MI; Marquette Gaylord Warehouse, Gaylord, MI; Marquette Saginaw, Saginaw, MI; Ha-Marque Reserve Warehouse, Indianapolis, IN; Ha-Marque Fabricators, Forrest, IL; Grand Rapids Sash and Door Company, Grand Rapids, MI, Constock Park, MI, Holt, MI, Schoolcraft, MI and Traverse City, MI; and (2) Schaberg Lumber Company, Lansing, MI. Supporting shipper(s): T. W. Hager Lumber Company, Grand Rapids, MI 49509; Schaberg Lumber Company, Lansing, MI 48901.

MC 129974 (Sub-4-7TA), filed May 26, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. *Contract, irregular: Used electrical equipment, supplies and parts, between Colman, SD, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Jerry's Electric, Inc., Colman, SD 57017.

MC 134552 (Sub-4-1TA), filed May 27, 1981. Applicant: TRANSAMERICAN CARRIER CO., Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract, Irregular. Lumber and wood products, between the facilities of Weekes Forest Products, Inc. at or near Minneapolis, MN, on the one hand, and, on the other, points in IA, MN, NE, ND, SD, WI and the upper peninsula of MI, under a continuing contract(s) with Weekes Forest Products, Inc. An underlying ETA seeks 120 days authority.* Supporting shipper: Weekes Forest Products, Inc., P.O. Box 19229, Minneapolis, MN 55419.

MC 144036 (Sub-4-1TA), filed May 26, 1981. Applicant: J. R. PHILLIPS TRUCKING LIMITED, R.R. #2, Maidstone, Ontario, CD. Representative: Jeremy Kahn, 1511 K Street NW., Suite 733 Investment Building, Washington, DC 20005. *Scrap metal, in bulk, between points in MI north of MI Hwy 55, on the one hand, and on the other, ports of entry on the U.S.-CD boundary line.* Supporting shippers: Pazner Scrap Metals Co., Ltd., P.O. Box 2010, Walkerville, Ontario, CD; J. Kovinsky & Sons Ltd., P.O. Box 33987, Detroit, MI 48232.

MC 144698 (Sub-4-6TA), filed May 20, 1981. Applicant: MEEUWSEN PRODUCE, INC., 8525 Ransom St.,

Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Foodstuffs and commodities used by restaurants, fast food outlets and food commissaries, between Grand Rapids, MI, on the one hand, and, on the other, points in IL, MI, OH, WI, IN, KY, MO, PA, and IA.* An underlying ETA seeks 120 days authority. Supporting shipper: Gordon Food Service, Inc., 333 50th St. SW., P.O. Box 1787, Grand Rapids, MI 49501.

MC 149094 (Sub-4-1TA), filed May 26, 1981. Applicant: JAMES PRINCL, an individual, d.b.a. JAMES PRINCL TRUCKING, 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Crude Asphalt, in bulk, in tank vehicles from the facilities of Koch Asphalt Company at or near Dubuque, IA to Milwaukee and Oak Creek, WI.* An underlying ETA seeks 120 days authority. Supporting shipper: Koch Asphalt Company, 6868 South 10th Street, Oak Creek, WI 53154.

MC 150746 (Sub-4-14TA), filed May 27, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Canned Goods between Sycamore, IL, on the one hand, and, on the other, points in TX, AR, OK, MN and AZ.* Supporting shipper: The Suter Company, P.O. Box 188, Sycamore, IL 60178.

MC 150887 (Sub-4-5TA), filed May 26, 1981. Applicant: PRESS EXPRESS, 15234 Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M St. NW., Washington, DC 20036. *Contract irregular those commodities which, because of their size or weight, require the use of special handling or equipment, between all points in the U.S. (except Hawaii), for or on behalf of Wabash Power Equipment Co.* Supporting shippers: Wabash Power Equipment Co., Wheeling IL 60090.

MC 153196 (Sub-4-3TA), filed May 27, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Personal care products from the facilities of Northern Laboratories Inc., at or near Manitowoc, WI to Los Angeles, Burlingame and Ontario, CA; Sparks, NV; and Seattle, WA.* An underlying ETA seeks 120 day authority. Supporting shipper: Northern Laboratories, Inc., 4701 Custer Street, Manitowoc, WI 54220.

MC 153197 (Sub-4-2TA), filed May 27, 1981. Applicant: ILLINOIS AUTO DELIVERY, INC., d.b.a. Auto Delivery Co., 706 Center Street, Des Plaines, IL 60016. Representative: Keith G. O'Brien, 1729 H Street NW., Suite 200, Washington, DC 20006. *Motor vehicles except those over ¾ ton capacity in secondary movements in driveway service between points in the U.S.* Supporting shipper(s): Marquardt Buick, 1421 S. Barrington Rd., Barrington, IL 60010; Lou Back Rodt Chevrolet, P.O. Box 5647, 7070 Cherryvale North Blvd., Cherry Valley, IL 61125; Hogland and Moyles, 2200 East Devon, Elk Grove, IL 60007; Xonicx Medical Systems, 515 East Touhy Ave, Des Plaines, IL 60018.

MC 153273 (Sub-4-3TA), filed May 22, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract irregular: fruit, fruit juice, juice concentrate and vegetables frozen from points in CA and FL to Grand Rapids, MI under contract with Gordon Food Service, Inc. of Grand Rapids, MI.* An underlying ETA seeks 120 days authority. Supporting shipper: Gordon Food Service, Inc., 333 50th St. SW, P.O. Box 1787, Grand Rapids, MI 49501.

MC 153648 (Sub-4-3TA), filed May 22, 1981. Applicant: PATRICK C. SENG, d.b.a. S & S TRANSPORT, Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Contract: Irregular: Malt beverages, from Memphis, TN and Dallas, TX, to points in Pennington, and Polk Counties, MN, and Grand Forks, Ward and Ramsey Counties, ND, under a continuing contract with Nodak Sales Co., Division of Grand Forks Coca Cola Bottling Co., Grand Forks, ND; Anderson Beverages, Inc., Crookston, MN; Pacific Gamble Robinson Co., Minot, ND; North Star Distributors, Inc., Devils Lake, ND; and Northwest Beverages, Inc., Thief River Falls, MN.* An underlying ETA seeks 120 days authority. Supporting shippers: Nodak Sales Company, Division of Grand Forks Coca Cola Bottling Co., P.O. Box 955, Grand Forks, ND 58201; Anderson Beverages, Inc., 500 Marin, Crookston, MN 56718; North Star Distributors Inc., P.O. Box 771, Devils Lake, ND 58301; Northwest Beverages, Inc., P.O. Box 575, Thief River Falls, MN 56701, and Pacific Gamble Robinson Co., P.O. Box 1086, Minot, ND 58701.

MC 153829 (Sub-4-18TA), filed May 27, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul

MN 55102. *Ready to eat breakfast cereals*, from the facilities of the Kellogg Company at or near Omaha, NE, to points in IA, IL, MN, ND, SD and WI. Supporting shipper: The Kellogg Company, 9601 F Street, Omaha, NE 68127.

MC 154019 (Sub-4-1TA), filed May 26, 1981. Applicant: MICHEAL P. DUNN, d.b.a. MILLER TRANSPORTATION, 750 North Madison Street, Rockford, IL 61107. Representative: Martin J. Kennedy, 120 West Madison Street, Suite 718, Chicago, IL 60602. *Contract irregular: Fibreboard, fibre or paper boxes and cartons, paper and materials used in the manufacture of the above commodities* between points in the Rockford, IL Commercial Zone, on the one hand, and points in IA and WI on the other. An underlying ETA seeks 120 days authority. Supporting shipper: Longview Fibre Corporation, 1818 Elmwood Road, Rockford, IL 61103.

MC 154867 (Sub-4-2TA), filed May 26, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Precast concrete products* from Waupun and Randolph, WI and Stanwood, IA to points in IL, IA, MI, MN, MO, OH, and WI. Underlying ETA seeks 120 days authority. Supporting shippers: Randolph Concrete Products, Inc., 321 Stark Street, Randolph, WI 53956; and Westra Construction, Inc., Route 1, Waupun, WI 53963.

MC 155242 (Sub-4-1TA), filed May 27, 1981. Applicant: ADVANCE POOL DISTRIBUTION, INC., 3700 Central Avenue, Detroit, MI 48120. Representative: Alex J. Miller, 555 S. Woodward, Ste. 512, Birmingham, MI 48011. *General Commodities*; except Classes A and B explosives, between facilities of Advance Pool Distribution, Inc., Detroit, MI on the one hand, and on the other, points in MI. Supporting shippers: K-Mart, 7373 West Side Ave., North Bergen, NJ 07047, and United Pool Distribution, Inc., 5330 East Main St., Columbus, OH 43213.

MC 155326 (Sub-4-2TA), filed May 26, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Pulp, paper and related products*, from Luke, MD and Covington, VA to points in and east of MN, IA, MO, AR and LA. Supporting shipper: Westvaco Corporation, Westvaco Building, 299 Park Ave., New York, NY 10017.

MC 155817 (Sub-4-1TA), filed May 22, 1981. Applicant: SPATARO MOVING &

STORAGE, INC., 1848 N. 4th St., Milwaukee, WI. Representative: Lawrence P. Kahn, 633 West Wisconsin Ave., Suite 1703, Milwaukee, WI 53203. *General commodities (with the usual exceptions) and having a prior or subsequent movement by rail, air or water* between points in Racine, Kenosha, Milwaukee, Waukesha and Ozaukee, Counties, WI, on the one hand, and on the other, points in the Chicago, IL, commercial zone. Supporting shippers: 1. Tropic Banana Co., 300 North Van Buren St., Milwaukee, WI 53202; 2. Jennaro Brothers, 322 North Broadway, Milwaukee, WI 53202.

MC 156002 (Sub-4-1TA), filed May 27, 1981. Applicant: CLAIR R. MESSERSMITH, Route 1, Wilson, MI 49896. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth St., Minneapolis, MN 55402. *Motorcycles, parts and accessories* from Chicago, IL commercial zone to points in the Upper Peninsula of MI and Florence County, WI. Supporting shipper(s): Spread Eagle Marine & Cycle, Inc., Route 2, Box 251, Florence, WI 54121; Outdoor Recreational Products, Inc., 3700 10th St., Menominee, MI 49858; Honda of Marquette, Route 2, Box 89A, Marquette, MI 49855; Northern Marine, 1930 North Lincoln, Escanaba, MI 49829; Cycle City, Inc., 1415 Lincoln, Escanaba, MI 49829.

MC 156069 (Sub-4-2TA), filed May 26, 1981. Applicant: TRANSITALL SERVICES, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: Metal and metal products* between Wheeling, IL, on the one hand, and on the other, points in OH, MI, WI, MN, IA, IN, and MO. An underlying ETA seeks 120 days authority. Supporting shipper: Taubensee Steel & Wire Company, 600 Diens Drive, Wheeling, IL 60090.

MC 156088 (Sub-4-1TA), filed May 21, 1981. Applicant: R & S TRUCK LEASING, INC., 1651 Walker Road, Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428. *Pulp, paper and related products* between points in the U.S. under continuing contracts with Muskegon Paper Box and Scientific Games and Dittler Brothers, Inc. Supporting shipper: Muskegon Paper Box Co., Inc., 1801 Keating, Muskegon, MI 49442. Scientific Games, 309 Union, Sparta, MI 49345, Dittler Brothers, Inc., 55 Silver Creek, Sparta, MI 49345.

MC 156096 (Sub-4-1TA), filed May 22, 1981. Applicant: JUNTUNEN FARM &

HOME OIL COMPANY, INC., P.O. Box 155, Barnum, MN 55707. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Contract-irregular: (1) Beer and soft drinks and (2) Materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above*, from Peoria, IL and LaCrosse and Milwaukee, WI to Moose Lake and Barnum, MN under a continuing contract(s) with Moose Lake Beverage Co., Inc., Moose Lake, MN. Supporting shipper: Moose Lake Beverage Co., Inc., 621 Industrial Rd, Moose Lake, MN 55767.

MC 156097 (Sub-4-1TA), filed May 22, 1981. Applicant: TRIPLE A TRANSFER, 215 W. Union St., Edwardsville, IL 62025. Representative: Clarence Scott, 215 W. Union St., Edwardsville, IL 62025. *General commodities* between points in IL and MO. Including St. Louis, MO, and E. St. Louis, IL, commercial zones. Supporting shipper: L. J. Consolidators, St. Louis, MO 63147.

MC 156133 (Sub-4-1TA), filed May 26, 1981. Applicant: TRI STATE TIRE & RUBBER, INC., d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg. Des Moines, IA 50309. (1)(a) *Plastic pipe* from the facilities of Johns-Manville Sales Corporation at Wilton, IA and (b) *Building materials* from the facilities of Johns-Manville Sales Corporation at Rockdale and Waukegan, IL, and Alexandria, IN to points in DE, DC, IL, IN, IA, KY, MD, MI, NC, NJ, NY, OH, PA, SC, TN, VA, WV, and WI; and (2) *Materials and supplies* used in the manufacture and distribution of the commodities named in (1)(a) and (b) above from the states named therein to the facilities of Johns-Manville Sales Corporation named therein. An underlying ETA seeks 120 days authority. Supporting shipper: Johns-Manville Sales Corporation, 2222 Kensington Court, Oakbrook, IL 60521.

MC 56270 (Sub-4-5TA), filed May 28, 1981. Applicant: LEICHT TRANSFER & STORAGE CO., 1401 State Street, Green Bay, WI 54306. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Lumber & wood products, chemicals & related products and petroleum, natural gas & their products* between Meta, MA, Branson and Poplar Bluff, MO, Dickinson, ND and Stamford, NY, on the one hand, and on the other, points in the U.S. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 96476 (Sub-4-1TA) filed May 26, 1981. Applicant: MACOIT CARTAGE CO., 15080 Commerce Drive N., Dearborn, MI 48120. Representative: Allen J. Counard, Esq., 4000 Town Center, Ste. 1470, Southfield, MI 48075. *Contract-irregular: Such commodities as are dealt in by retail and wholesale grocery stores and chain drug stores and equipment, materials, and supplies used in their manufacture between points in the States of MI, OH, IN, WI, and IL. Supporting shipper: Procter & Gamble Co. & Subsidiaries, P.O. Box 599, Cincinnati, OH 45201.*

MC 135410 (Sub-4-25TA), filed May 28, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, 205 W. Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Alcoholic beverages from points in CT, IN, KY, MD, MI, NJ, and NY to the facilities of Federated Distributors, Chicago, IL, and subsidiaries Lake Shore Dist. Co., Rockford and Waukegan, IL, Illinois Wine & Spirits, Plainfield, IL, and Capitol Hustling, Milwaukee, WI. Supporting shipper: Federated Distributors, 4130 S. Morgan, Chicago, IL 60609.*

MC 150746 (Sub-4-15TA), filed May 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Chicago, IL 60603. *Building materials and materials equipment and supplies used in the manufacture, sale or distribution thereof, from Evansville, WI; Terre Haute, IN; Houston, TX; Memphis, TN; Pine Bluff, AR; St. Louis, MO; and Rockford, Chicago and Melrose Park, IL and points in their respective commercial zones, to points in WI, IL and MN. Supporting shipper: Midstates Metal Building Systems, Inc., P.O. Box 224, Columbus, WI 53925.*

MC 150746 (Sub-4-16TA), filed May 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Plastic and metal toys, games and hobby kits, and materials equipment and supplies used in the manufacture, sale or distribution thereof, between Skokie, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Lindberg Products, Inc., 8050 North Monticello Avenue, Skokie, IL 60076.*

MC 154469 (Sub-4-1TA), filed May 26, 1981. Applicant: WARREN L. ADAMS, d.b.a. WARREN TRANSPORTATION, 2667 English St., Maplewood, MN 55109.

Representative: Same as applicant. *Microwave oven cavities made out of sheetmetal from Osceola, Wisconsin in Polk County to Memphis, Tennessee in Shelby County. Supporting shipper: Northern Metals, Specialty Division, Western Industries, Inc., 805 Seminole Avenue, Osceola, WI. Underlying ETA seeks 120 days authority.*

MC 155982 (Sub-4-1TA), filed May 28, 1981. Applicant: REIDELBERGER & SON, P.O. Box 86, DuQuoin, IL 63832. Representative: Brenda Schmidt, 101 West Sanger, Salem, IL 62881. *Contract irregular: Meat, meat products and articles distributed by meat packing houses, from points in TN to points in KY, IN, IL and MO for the account of DuQuoin Packing Co. Supporting shipper: DuQuoin Packing Co., Box 186, DuQuoin, IL 62832.*

MC 156152 (Sub-4-1TA), filed May 27, 1981. Applicant: IMPERIAL ENTERPRISES CORPORATION, 3440 Kossuth St., Lafayette, IN 47903. Representative: Robert E. Cohn, Esquire, Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006. *Common, irregular: Passengers and their baggage, in nonscheduled charter bus operations between West Lafayette and Lafayette, IN on the one hand, and points in WI, MN, IA, OH, MO, MI, IL, KY, TN, GA, VA, DC., and FL on the other.*

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 18080 (Sub-5-2TA), filed May 26, 1981. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2313, Grand Island, NE 68802. Representative: John K. Walker, P.O. Box 313, Wood River, NE 68883. *Lumber: From pts in the state of WY on the one hand, and, on the other, pts in the U.S., except AK & HI. Supporting shipper: Star Studs Co., Div of New Idria, Inc., P.O. Box 517, Afton, WY 83110.*

MC 41432 (Sub-5-11TA), filed May 26, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Vacuum cleaners and parts and accessories used in the manufacture and production of vacuum cleaners; between the facilities of The Kirby West Company located at Andrews, TX on the one hand, and, on the other, points in the U.S. Supporting shipper(s): The Kirby West Company, P.O. Box 670, Andrews, TX 79714.*

MC 102546 (Sub-5-2TA), filed May 26, 1981. Applicant: BLUE FLASH

EXPRESS, INC., Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguiard, Route 1, Box 233, Zachary, LA 70791. *Contract: Irregular. Commodities in Bulk, Liquid or Dry, between all points in the U.S. Applicant intends to tack with existing authority. Supporting shipper: Kaiser Aluminum & Chemical Corp., 10001 Lake Forest Blvd., Suite 615, New Orleans, LA.*

MC 118535 (Sub-5-6TA), filed May 26, 1981. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Mr. Jim Tiona, Jr. (same as applicant). *Hazardous waste, between pts in Jackson County, MO; Harris County, TX; Sumter County, AL; Cherokee County, KS; Jasper County, MO; Ottawa County, OK. Supporting shippers: Gulf Oil Chemicals Co., P.O. Box 6200 B, Pittsburg, KS 66762; Pfizer Agricultural Division, 1107 S MO 291, Lee's Summit, MO 64063; Eagle-Picher Industries, Inc., P.O. Box 1328, Joplin, MO 64801.*

MC 119774 (Sub-5-6TA), filed May 26, 1981. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Fly ash, in bulk, between points in Jefferson County, AR, on the one hand, and, on the other, points in AL, CO, FL, GA, IA, IL, IN, KS, KY, LA, MS, MO, NE, NM, NC, OH, OK, SC, TN, TX, VA and WV. Supporting shipper: Chem-Ash, Inc., P.O. Box 193, Redfield, AR 72132.*

MC 128709 (Sub-5-5TA), filed May 27, 1981. Applicant: PARIS MOTOR FREIGHT, INC., P.O. Box 1787, Ft. Smith, AR 72901. Representative: Charles H. Schmidley (same as above). *Canned or prepackaged foodstuffs, from Memphis, TN to points in AR, OK, and TX. Supporting shipper: Libby McNeill & Libby, 200 South Michigan Ave., Chicago, IL 60604.*

MC 134229 (Sub-5-2TA), filed May 26, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box 1000, Richmond, MO 64085. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, P.O. Box 258, Liberty, MO 64068. *General commodities (except Classes A and B explosives and household goods), between Ray and Lafayette Counties, MO, on the one hand, and, on the other, pts in AR, AZ, MO and TN. Applicant intends to tack and interline. Supporting shippers: Lawson Feed & Supply, Box 216, Lawson, MO, and American Wilcon Plastics, Inc., P.O. Box 157, Orrick, MO.*

MC 145904 (Sub-5-11TA), filed May 26, 1981. Applicant: SOUTH WEST LEASING, P.O. Box 152, Waterloo, IA

50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *General commodities (except Classes A and B explosives)*, between pts in the Chicago, IL, commercial zone on the one hand, and, on the other, pts in IL, IN, IA, KS, MI, MN, MO, NE, OH, SD, and WI. Applicant intends to tack with existing authority. Hazardous wastes will not be involved. Supporting shipper: Allstate Shippers Association, Inc., 6035 N.W. Highway, Chicago, IL 60631.

MC 150534 (Sub-5-2TA), filed May 26, 1981. Applicant: ENERGY SALES, INC., P.O. Box 128, Cabool, MO 65689. Representative: Daniel O. Hands, Suite 200-A, 205 West Touhy Ave., Park Ridge, IL 60068. *Petroleum and petroleum products between Springfield, MO, and points in its commercial zone, on the one hand, and, on the other, Harrison, AR, Cicero, East St. Louis and Wood River, IL, Coffeyville, Kansas City and Wichita, KS, Muskogee, OK and Memphis, TN, and points in their commercial zones.* Supporting shippers: Hugh Dennis Grease and Oil Company, Inc., P.O. Box 641, Springfield, MO 65801, Riffe Petroleum Company, P.O. Box 45860, Springfield, MO 65801.

MC 150783 (Sub-5-33TA), filed May 26, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie D. Sleeth, P.O. Box 757, Rogers, AR 72756. Contact: Irregular. *Such commodities as are dealt in or used by wholesale, retail discount, variety, and department stores between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Target Stores, Inc., Maumelle, AR.

MC 151383 (Sub-5-6TA), filed May 27, 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 and commodities used in the manufacture and marketing of iron and steel articles*, between points in the U.S. under continuing contract(s) with Tulsa Steel Mfg. Co., Inc. of Tulsa, OK; (2) *Iron and steel articles and storage tanks*, between points in the U.S. under continuing contract(s) with Sapulpa Tank Company of Sapulpa, OK; and (3) *Iron and steel articles and storage tanks*, between points in the U.S. under continuing contract(s) with Webco Tank Co., Inc., of Sapulpa, OK. Supporting shippers: Tulsa Steel Mfg. Co., Inc., P.O. Box 9280, 7600 New Sapulpa Road, Tulsa, OK 74131. Sapulpa Tank

Company, P.O. Box 1204, 10 West Burnham, Sapulpa, OK 74066. Webco Tank Co., Inc., P.O. Box 1208, 230 E. Jackson, Sapulpa, OK 74066.

MC 151637 (Sub-5-7TA), filed May 26, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *New Furniture, in cartons, and Materials, Equipment and Supplies used in the manufacture thereof*, between the facilities of Ayers Furniture Company, at or near Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ayers Furniture Company, 1001 North Third Street, Ft. Smith, AR 72901.

MC 152146 (Sub-No. 5-1TA), filed May 26, 1981. Applicant: FAR WEST TRANSPORTERS, INC., 14901 Chandler Road, Omaha, NE 68138. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Such commodities as are dealt in or used by manufacturers or distributors of mobile homes*, between Schley, Thomas and Sumter Counties, GA; York and Polk Counties, NE; Sarasota and Union Counties, FL; Blair County, PA; Tulare County, CA; Lamar, Hunt, Leon and Van Zandt Counties, TX; Henry County, TN; Oneida County, NY; Payette and Washington Counties, ID; Larimer County, CO; Harnett County, NC; Cache County, UT; and Randolph County, IN, on the one hand, and, on the other, pts in the U.S. Supporting shipper: Champion Home Builders Co., 5573 East North Street, Dryden MI 48428.

MC 153723 (Sub-5-5TA), filed May 26, 1981. Applicant: A & M ENTERPRISES, INC., Post Office Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Central Heating Units, Central Air Conditioning Units, Furnaces, Air Coolers, Water Evaporators, Condensing Units, Compressors, Electric Motors, Parts, Equipment and Supplies used in the manufacture, distribution and sale thereof*, between Ft. Smith, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Rheem Manufacturing Company, Inc., Heating & Air Conditioning Division, 5600 Old Greenwood Road, Ft. Smith, AR 72906.

MC 153799 (Sub-5-2TA), filed May 26, 1981. Applicant: EASON & SMITH ENTERPRISES, INC., P.O. Box 15463, Oklahoma City, OK 73155. Representative: Billy A. Gaines, P.O. Box 25186, Oklahoma City, OK 73125. Contract: Irregular. *Hazardous chemical waste*, from Oklahoma City, OK to

Aurora, CO. Supporting shipper: OC/ALC PMKFC, Tinker AFB, OK 73145.

MC 155294 (Sub-5-1TA), filed May 26, 1981. Applicant: MARK MONTGOMERY, P.O. Box 1084, Searcy, AR 72143. Representative: Mark Montgomery, P.O. Box 1084, Searcy, AR 72143. Contract: Irregular. *Foodstuffs and materials, equipment, and supplies used in the manufacture, sale, and distribution of foodstuffs*, between points in AR, CO, NM, OK, and TX. Supporting shipper: Land O' Frost of Arkansas, Inc., Hastings Avenue, Searcy, AR 72143.

MC 155732 (Sub-5-1TA), filed May 27, 1981. Applicant: HEAD INTERSTATE TRANSPORT, INC., P.O. Box 629, Longview, TX 75606. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Contract: Irregular; *earthenware and/or articles distributed by gift shops between the facilities of Marshall Pottery, Inc., located at or near Marshall & Dallas, TX, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Marshall Pottery, Inc., P.O. Box 1839, Marshall, TX 75670.

MC 155796 (Sub-5-1TA), filed May 26, 1981. Applicant: TOM HASTINGS d.b.a. TRANSPORTATION SPECIALISTS, Suite 440, Commercial Federal Tower, Omaha, NE 68124. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular; *Edible Grain Products and Byproducts and materials, supplies, and equipment used in the manufacture, sale and distribution thereof*, between points in the U.S. Supporting shipper: Con Agra, Inc., Kiewit Plaza, Omaha, NE 68131.

MC 156124 (Sub-5-1TA), filed May 26, 1981. Applicant: RAPID DELIVERY SERVICE, INC., P.O. Box 2516, Des Moines, IA 50315. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Paper and paper products*, between Polk County, IA, on the one hand, and, on the other, pts in NE. Supporting shipper: Jacobson Warehouse, 1400 Market Street, P.O. Box 224, Des Moines, IA 50309.

MC 156126 (Sub-5-1TA), filed May 26, 1981. Applicant: AMERICAN TRANSPORTATION & STORAGE, INC., 817 Atherton, Metairie, LA 70001. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Metal products*, between points in MS and AL, on the one hand, and, on the other, points in MS, LA and TX. Supporting shippers: American Steel Corporation, P.O. Box 1179, Kenner, LA 70063, and Henderson Steel Corp., P.O. Box 3368, Meridian, MS 39301.

MC 156132 (Sub-5-1TA), filed May 26, 1981. Applicant: APOLLO DISTRIBUTING, INC., P.O. Box 82912, Oklahoma City, OK 73108. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. Contract, irregular, (1) *such merchandise as is dealt in by wholesale and retail chain grocery and food business houses; and (2) materials, ingredients, equipment and supplies used in the manufacture, distribution and sale of the products referred to in (1) above*, between Oklahoma County, OK and points in AR. Supporting shipper: Ralston Purina Co., Edmond, OK.

MC 119493 (Sub-5-62TA), filed May 29, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Metals, metal articles, plastic, plastic articles and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk*, between pts in FL, MO, and TX, on the one hand, and pts in the U.S. on the other. Restricted to traffic originating at or destined to facilities of Louisiana Plastics Inc.; Nichols-Kusan Inc.; and/or Carthage Cup Co. Supporting shippers: W. H. House, Chairman of the Board, Carthage Cup Co., P.O. Box 2586, Longview, TX 75801; Deborah Constant, Traffic Manager, Nichols-Kusan Inc., P.O. Box 1191, Jacksonville, TX 75766; W. Giblin, Traffic Manager, Louisiana Plastics, Inc., P.O. Box 16104, St. Louis, MO 63124.

MC 142672 (Sub-5-26TA), filed May 29, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Foodstuffs, except in bulk—Between Crisfield, MD; Braddock, NJ; Doylestown and Philadelphia, PA*, on the one hand, and, on the other, points in the U.S. Supporting shipper: Mrs. Paul's Kitchens, 5830 Henry Drive, Philadelphia, PA 19128.

MC 144603 (Sub-5-4TA), filed May 28, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). (1) *Pulp, paper and allied products, printed matter, plastic articles; and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1) between Pts in Marion County, IL, on the one hand, and, on the other Pts in CA, and Pts in and east of the states of MN, IA, NE, KS, OK and TX*. Supporting

shipper: Jiffy Packaging Corporation, P.O. Box 469, Salem, IL 62881.

MC 145557 (Sub-5-4TA), filed May 28, 1981. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Meat, meat products, meat by products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766*, from Denison and Dubuque, IA, to Pts in DE, ME, MI, NC, NH, NJ, NY, OH, PA, SC, VA, VT, WV and DC. Supporting shipper: Dubuque Packing Co., Box 610, Denison, IA 51442.

MC 152758 (Sub-5-2TA), filed May 28, 1981. Applicant: STRONG TRANSPORT COMPANY, INC., 15534 West Hardy Road, Suite 130, Houston, TX 77060. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *General commodities (except classes A and B explosives between points in the United States, restricted to traffic originating at or destined to the facilities of Valmont Industries, Inc., and its wholly-owned subsidiaries*. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064.

MC 155595 (Sub-5-9TA), filed May 29, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Such commodities as are dealt in or used by wholesale grocery or grocery distribution warehouses*, between Madison and Lee Counties, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shipper: Ragland Brothers Company, P.O. Box 427, Dughill Road, Huntsville, AL 35804.

MC 155991 (Sub-5-1TA), filed May 29, 1981. Applicant: AMES E. HARTUNG and RICHARD H. REINMUTH d.b.a. LYNN COMPANY, 2015 20th Street, Gering, NE 69341. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Inedible meat products*, from Amarillo, TX to Los Angeles, CA. Supporting shipper: Kal Kan Foods, Inc., 3388 East 44th Street, Vernon, CA 90058.

MC 156076 (Sub-5-1TA), filed May 29, 1981. Applicant: ARTHUR A. ROLLER, d.b.a. ROLLER TRUCKING, P.O. Box 379, Beebe, 72012. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little

Rock, AR 72201. *Lumber and Wood Products*, from the facilities of Commercial Lumber Sales, Inc., at North Little Rock, AR, to points in CO, OK and KS. Supporting Shipper: Commercial Lumber Sales, Inc., North Little Rock, AR.

MC 156080 (Sub-5-1TA), filed May 29, 1981. Applicant: TERRY M. ROBERTSON, d.b.a. ROBERTSON TRUCKING, 509 Fairview Drive, Bastrop, LA 71220. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Wooden plugs for the paper industry, and materials, equipment, and supplies used in the manufacture of such commodities*, between Bastrop, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, OK, TX and WI. Supporting Shipper: Boltz Manufacturing Company, Inc., 204 Cahoon St., Bastrop, LA 71220.

MC 156129 (Sub-1TA), filed May 28, 1981. Applicant: W & R TRANSPORTATION COMPANY, INC., P.O. Box 12463, Kansas City, MO 64116. Representative: Frank W. Taylor, Jr., Suite 600, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract; irregular; *New and used trucks and truck-tractors in drive-away, tow-away and truck-away modes (1) between pts in the U.S. under a continuing contract with General Motors Corporation; and (2) between pts in the U.S. under continuing contracts with Westfall GMC Truck, Inc. and Rapid Ways, Inc.* Supporting Shippers: General Motors Corporation, Truck and Coach Division, 660 South Boulevard East, Pontiac, MI 48053; Westfall GMC Truck, Inc., 9th and Burlington, North Kansas City, MO; Rapid Ways, Inc., I-435 and MO Hwy 210, Kansas City, MO.

MC 156185 (Sub-5-1TA), filed May 29, 1981. Applicant: GARY SPARKS, an individual, d.b.a. SPARKS TRUCKING CO., P.O. Box 234, Wilburton, OK 74578. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. *drilling mud, in bags*, from Wilburton, OK to points in AR. Supporting Shipper: O.B.I.—Hughes, a Div. of Hughes Tool Co., Oklahoma City, OK 73112.

MC 156199 (Sub-5-1TA), filed May 29, 1981. Applicant: GRUDLE TRUCKING, INC., Route 3, Glenwood, IA 51534. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Contract irregular *Frozen potato products*, from pts in ID, OR and WA to pts in NE, under continuing contract(s) with South Omaha Fruit Market, Inc. of Omaha, NE. Supporting Shipper(s): South Omaha Fruit Market, Inc., 3232 "H" Street, Omaha, NE 68107.

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 150042 (Sub-6-2TA), filed May 22, 1981. Applicant: JOHN W. CAIN, d.b.a. CAIN TRUCK LINE, P.O. Box 538, Sunland Park, NM 88063.

Representative: John W. Cain (same as applicant). *Contract*; irregular: *Foodstuffs and kindred products*, between points in the U.S., except AK and HI, under continuing contract(s) with SYSCO—H and R Food Supply Company, El Paso, TX; SYSCO—Southwest, Albuquerque, NM, for 270 days. Supporting shipper(s): SYSCO—H & R Food Service Company, 2000 Mills Ave., El Paso, TX 79982; SYSCO—Southwest, 1521 Broadway N.E., Albuquerque, NM 87125.

MC 140633 (Sub-6-2TA), filed May 26, 1981. Applicant: CAPITAL DELIVERY SYSTEMS, INC., P.O. Box 161115, Sacramento, CA 95816. Representative: John F. Parks III (same address as applicant). *Contract carrier*; irregular route: *Cosmetics and toilet preparations* (Avon Products), from Sacramento, CA to Reno, NV, and all points within a 50 air-mile radius of Reno, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, 2940 East Foothill Blvd., Pasadena, CA 91121.

MC 152521 (Sub-6-2TA), filed May 22, 1981. Applicant: FORTTRANS, INC., 2892 Foothill Blvd., Oroville, CA 95695. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Contract carrier*; irregular routes: *Machinery*, between points in the U.S. for the account of Ditch Witch Equipment Co., for 270 days. Supporting shipper: Ditch Witch Equipment Co., 3000 West Capitol Ave., Sacramento, CA 95691.

MC 118127 (Sub-6-1TA), filed May 26, 1981. Applicant: SOUTHEAST LEASING, d.b.a. HALE DISTRIBUTING COMPANY, 16036 Valley Blvd., Fontana, CA 92335. Representative: William J. Augillo, P.O. Box Z, Huntington, NY 11743. *Oak and oak stairs, stair parts and related hardware and supplies necessary for installation thereof*, between Cleveland, OH and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tack Construction, 2201 E. Winston Rd., Ste C, Anaheim, CA 92806.

MC 119639 (Sub-6-6TA), filed May 26, 1981. Applicant: INCO EXPRESS, INC., 3600 So. 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. *Materials, supplies and equipment utilized by*

hospitals and other medical and health care facilities, between points in WA, OR, CA, ID, MT, UT, WY, NV, AZ, NM, and CO, for 270 days. Supporting shipper: Lumex, Inc., 12003 Woodruff Ave., Downey, CA 90242.

MC 139906 (Sub-6-75TA), filed May 28, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are used or dealt in by manufacturers and distributors of automotive, off-road, leisure and camping products* (except in bulk) between facilities of Dick Cepek, Inc., at or near South Gate, CA on the one hand, and, on the other, Phoenix and Tucson, AZ; Portland, OR, and Uniontown, PA and points in their respective commercial zones for 270 days. Supporting shipper: Dick Cepek, Inc., 5309 Tweedy Blvd., South Gate, CA 90280.

MC 133816 (Sub-6-3TA), filed May 26, 1981. Applicant: K & K WHOLESALE CO., P.O. Box 328, Lowell, OR 97452. Representative: Kenneth L. Parks (same as applicant). *Lime, except in bulk* from points in Clark County, NV, to points North of San Luis Obispo, Kings, Tulare, and Inyo County Lines in CA. From points in Contra Costa County CA, to points in Tooele, Salt Lake, Utah, and Grand counties, UT, and points in Klamath, Jackson, Josephine, Douglas, Lane and Deschutes counties, OR. From Tooele county UT to points in CA north of San Luis Obispo, Kings, Tulare and Inyo county lines in CA. Multnomah county OR and King, Pierce, Thurston, Lewis, Cowlitz and Clark counties, WA, for 270 days. Supporting shipper(s): Flintkote Cement & Lime Co., 215 Market St., San Francisco, CA 94105.

MC 156145 (Sub-6-1TA), filed May 21, 1981. Applicant: KEN GRAVES, d.b.a. KPS TRUCKING CO., 504 Florham Ave., San Dimas, CA 90773. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract Carrier*, irregular routes: *Commercial refrigeration equipment*, from Los Angeles and Orange Counties, CA, to points in AZ, NV, OR and WA for the account of Hill Refrigeration Corporation, Subsidiary of Emhart Industries, Inc. of Los Angeles, CA, for 270 days. Supporting shipper: Hill Refrigeration Corporation, Subsidiary of Emhart Industries, 5804 E. Slauson Ave., Los Angeles, CA 90040.

MC 147066 (Sub-6-2TA), filed May 26, 1981. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., 15200 Hesperian Blvd., Suite 103, San Leandro, CA 94578. Representative: William D. Taylor, 100

Pine St., Suite 2550, San Francisco, CA 94111. *Contract Carrier*, irregular routes: *Products and materials manufactured and/or distributed by Xerox Corporation*, between points in MT, ID, UT, NV, OR, WA, AZ and CA, under a continuing contract or contracts with Xerox Corporation of So. San Francisco, CA, for 270 days. Supporting shippers: Xerox Corporation, 546 Eccles Avenue, So. San Francisco, CA 94080.

MC 154236 (Sub-6-3TA), filed May 28, 1981. Applicants: MAMMOTH OF CALIFORNIA, INC., 6725 N Motel Dr., Fresno, CA 93711. Representative: Jerry J. Jackson (same as applicant). *Contract Carrier*, irregular routes: *Unfrozen Foodstuffs (except in bulk) and ingredients used in the manufacture thereof*, between Fresno and Merced, CA, between Fresno and Volta, CA, between Stockton and Modesto, CA for the account of Benedict Sales Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Benedict Sales Corporation, 33 Benedict Place, Greenwich, CT 06830.

MC 153758 (Sub-6-3TA), filed May 26, 1981. Applicant: LAMPMAN BROKERAGE, INC., d.b.a. MASTRO ENTERPRISES, 4233 Sierra Madre, Room 103, Fresno, CA 93711. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract*; irregular: *Ice cream* from Woodbridge, NJ, to points in the U.S. for the account of Woodbridge Sweets, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Woodbridge Sweets, Inc., Amboy Ave., Woodbridge, NJ 07095.

MC 156177 (Sub-6-1TA), filed May 26, 1981. Applicant: LORA Z. MCGEE, d.b.a. MCGEE TRUCKING, Rt. 1, Box 167E, Eagle Creek, OR 97022. Representative: Charles B. McGee (same as applicant). *Building Materials*, between Portland, OR and points in OR, WA, ID, CA, MT, WY, UT, & NV, for 270 days. Supporting shipper: C. A. Conners Construction Co., P.O. Box 13610, Portland, OR 97213.

MC 43685 (Sub-6-8TA), filed May 26, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Dwight D. Dively (same as applicant). *Metal and metal products*, between points in CA on the one hand and points in OR, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties, ID, on the other hand, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 144572 (Sub-6-19TA), filed May 28, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Building materials*, from Boston, MA; Peru, IL; and Pittsburgh, PA and their commercial zones to Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jones Heartz Lime Co., Inc., 1450 West Colfax Ave., Denver, CO 80204.

MC 149100 (Sub-6-7TA), filed May 26, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: William E. Seliski, Nr. 2 Commerce, P.O.B. 8255, Missoula, MT 59807. *Particleboard* from the facilities of Louisiana Pacific Corp. in Missoula County, MT to WI, MN, IL, MO, OH, MI, and IN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Louisiana Pacific Corporation, P.O.B. 4007, Missoula, MT 59806.

MC 155267 (Sub-6-1TA), filed May 28, 1981. Applicant: ROBERT PADEN, d.b.a. PRUDHOE BAY FREIGHT LINES, P.O. Box 8-436, Anchorage, AK 99508. Representative: Robert Padon (same as applicant). *Contract carrier*: Irregular routes: *General Commodities* between points in the U.S. under continuing contract(s) with Northern Ventures, Inc., for 270 days. Supporting shipper: Northern Ventures, Inc., 1107 East 74th St., Anchorage, AK 99502.

MC 146965 (Sub-6-3TA), filed May 26, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O.B. 3306, Redding, CA 96049. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Nonalcoholic Beverages and Materials, Equipment and Supplies used in the Distribution and Production of Nonalcoholic Beverages*, between Redding, CA and points in OR and NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Medford Coca Cola Bottling Co., Inc., 1580 Beltline Rd., Redding, CA.

MC 154627 (Sub-6-2TA), filed May 28, 1981. Applicant: SEA-TRADE SERVICES, INC., 5658 West Marginal Way SW., Seattle, WA 98106. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General Commodities* [except Class A & B explosives and hazardous waste], restricted to shipments having immediately prior or subsequent movement by water, (a) between points in WA; and (b) between points in WA on the one hand, and, on the other, points in OR, ID and MT for 270 days.

Supporting shipper: U.S. Navigation (Pacific), Inc., P.O. Box 7913, San Francisco, CA 94120.

MC 147042 (Sub-6-3TA), filed May 26, 1981. Applicant: SEARS TRUCKING, INC., 1760 So. Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles* (2) *Plastic cups and other plastic articles* (3) *Bakery goods* from Los Angeles County, CA to Kent, Renton and Seattle, WA; from Los Angeles Harbor Commercial Zone, CA to Los Angeles County, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90023.

MC 138875 (Sub-6-54TA), filed May 22, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Lumber or wood products* from Longview, WA to Lyons and Eugene, OR, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Treplex, Inc., P.O. Box 2663, Eugene, OR 97402.

MC 148425 (Sub-6-2TA), filed May 26, 1981. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Rd., San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West "C" St., Suite 1803, San Diego, CA 92101. (1) *Passengers and their baggage* in the same vehicle; Beginning and ending in the San Diego, CA Commercial Zone, and extending to all areas of the Continental U.S., except for the States of AZ, NM, CO, UT and NV, for 180 days. Supporting shippers: There are five (5) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 128694 (Sub-6-1TA), filed May 26, 1981. Applicant: LEO C. TAYLOR, P.O. Box 685, Darby, MT 59829. Representative: Leo C. Taylor (same as applicant). *Contract Carrier*, Irregular Routes: *Wood, Lumber and Forest products*, from Darby, MT to points in ID, UT, CO, IA, and WY for the account of Deer Mountain Wood Products, for 270 days. Supporting shipper: Deer Mountain Wood Products, P.O. Box 583, Darby MT 59829.

MC 138206 (Sub-6-3TA), filed May 22, 1981. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Wallboard paper*, from points in Los Angeles County, CA to Florence, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The

Flintkote Company, P.O. Box 2218, Terminal Annex, Los Angeles, CA.

MC 145466 (Sub-6-2TA), filed May 28, 1981. Applicant: BERYL WILLIAMS, d.b.a. WILLIE'S GRAIN, 1145 33rd Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80284. *Contract Carrier*, Irregular routes: *Airplane engines and parts*, from FL to CO, for 270 days. Supporting shipper: Combs Freightair, 33390 Syracuse, Denver, CO 80207.

MC 134387 (Sub-6-17TA), filed May 28, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Chemicals, non-flammable* from Phoenix, AZ, to Benicia, CA for 270 days. Supporting shipper: Weathercheck Wood Fiber Products, Inc., 4280 Iowa St., Unit J, Benicia, CA 94510.

MC 134387 (Sub-6-18TA), filed May 28, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Insulation materials*, from Granger, UT to points in CA, AZ, CO and TX for 270 days. Supporting shipper: Military Packaging, Inc., 637 W. 3560 South, Granger, UT 84119.

MC 155936 (Sub-6-1TA), filed May 28, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 East Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 North Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier*: Irregular routes: *Nonexempt food or kindred products*, between points in AZ, AR, CA, CO, KS, TX and WA, for the accounts of Shamrock Foods Company, AME Food Service, Inc., and George Burns Company, for 270 days. An underlying ETA for 120 days has been granted. Supporting shippers: Shamrock Foods Company, 2926 W. Encanto Blvd., Phoenix, AZ 85009; AME Food Service, Inc., 8705 E. McDowell, Scottsdale, AZ 85257; and George Burns Company, 4215 No. Winfield Scott Plaza, Scottsdale, AZ 85251.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16947 Filed 6-5-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY-2-087

Decided: May 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 77972 (Sub-50), filed May 8, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *general commodities* (except classes A and B explosives) between points in Lauderdale and Scott Counties, MS, on the one hand, and, on the other, points in AK, AZ, CA, CO, CT, DE, HI, ID, IA, KS, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SD, UT, VT, VA, WA, WV, WI, WY, and DC.

Note.—Applicant indicates intention to tack with existing authority.

MC 97932 (Sub-6F), filed May 5, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, 1665 West County Road C, St. Paul, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101, (612) 224-9454. Over regular route, transporting *general commodities* (except classes A and B explosives), between Minneapolis-St. Paul, MN and Rochester, MN, over U.S. Hwy 52, serving all intermediate points.

MC 111792 (Sub-5), filed May 7, 1981. Applicant: PALMER BROS. INC., 4830 Warner Rd., Garfield Heights, OH 44125. Representative: E. H. van Deussen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *clay, concrete, glass, or stone products, chemicals and related products, and metal products*, between points in Cuyahoga County, OH and Kent County, MI, on the one hand, and, on the other, points in the U.S.

MC 114323 (Sub-25), filed May 15, 1981. Applicant: PAUL MARCKESANO AND SONS CO., INC., 36 Ferris St., Brooklyn, NY 11231. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *clay, concrete, glass or stone products*, between Jersey City, NJ, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MD, ME, NH, VT, VA, and DC.

MC 129572 (Sub-6), filed May 8, 1981. Applicant: ANDICO, INC., P.O. Box

1463, Provo, UT 84601. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *metal products*, between points in the U.S., under a continuing contract(s) with Pittsburgh-Des Moines Steel Corporation, of Stockton, CA.

MC 133133 (Sub-21), filed May 14, 1981. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum St., Cincinnati, OH 45202. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, 513-231-4831. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minneapolis, MN.

MC 135003 (Sub-5), filed May 14, 1981. Applicant: C.R.X. CORPORATION, INC., 5016-7th Place, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant), 507-454-6980. Transporting *food and related products*, between points in AR, CT, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SD, TX, VA, VT, WI, WV, and DC.

MC 136012 (Sub-11), filed May 18, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Dr., Cincinnati OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus OH 43215. Transporting *commodities in bulk*, between points in OH and KY, on the one hand, and, on the other, points in KY, IN, and WV.

MC 136212 (Sub-39), filed May 15, 1981. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 69509. Transporting *food and related products*, between points in the U.S.

MC 136393 (Sub-10), filed May 5, 1981. Applicant: NY, NJ, CONN. FREIGHT & MESSENGER CORP., 351 West 38th St., New York, NY 10018. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123, 212-239-4610. Transporting *such commodities* as are dealt in by retail department stores, between Los Angeles, Ontario, San Diego, and San Francisco, CA, Chicago, IL, New Orleans, LA, Baltimore, MD, Boston, MA, Detroit, MI, Kansas City and St. Louis, MO, Sparks, NV, Cincinnati, Cleveland, Columbus, and Dayton, OH, Portland, OR, Fort Worth, Dallas, and Houston, TX, Seattle, WA, and Milwaukee, WI, on the one hand, and, on the other, points in AL, FL, GA, MS, NC, SC, TN, and DC.

MC 141742 (Sub-14), filed May 11, 1981. Applicant: FLOWERS

TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., Ste 2550, San Francisco, CA 94111, (415) 986-1414. Transporting (1) *Forest Products*, (2) *Lumber and Wood Products*, and (3) *Rubber and Plastic Products*, between points in CA, OR, WA, UT, WY, CO, ID, MT, AZ, IA, NV, AR, NM, TX, KS, NE, and OK.

MC 142383 (Sub-45), filed May 15, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Gary Shurson (same address as applicant), 507-452-1032. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 142823 (Sub-1), filed May 14, 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, (703) 941-8200. Transporting *metal products*, between Harrisonburg and Winchester, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 144443 (Sub-2), filed May 15, 1981. Applicant: GENTRY TRUCKING COMPANY, P.O. Box 4196, Candler's Mountain Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517, (804) 369-5661. Transporting *general commodities* (except classes A and B explosives), between Danville, Lynchburg, Richmond, and Roanoke, VA, and Greensboro, NC, on the one hand, and, on the other, points in VA.

MC 144572 (Sub-52F), filed May 18, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box 6, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2800, Denver, CO 80632. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of X-ray equipment, between Los Angeles, CA, on the one hand, and, on the other, Denver, CO, Phoenix, AZ, and Bernalillo County, NM.

MC 144982 (Sub-16), filed May 15, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Ohio Valley Shippers Association, Inc., and

(b) Nationwide Shippers Cooperative Association, Inc., both of Cincinnati, OH.

MC 144982 (Sub-17), filed May 18, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *such commodities* as are dealt in or used by manufacturers of glass products, between points in the U.S., under continuing contract(s) with Libbey Glass, Division of Owens-Illinois, Inc., of Toledo, OH.

MC 145533, filed May 12, 1981. Applicant: KERWIN F. JENSEN, P.O. Box 308, Cleveland, UT 84518. Representative: Kerwin F. Jensen (same address as applicant), 801-653-2233. Transporting *coal and coal products*, between points in Emery and Carbon Counties, UT.

MC 148143 (Sub-5), filed May 14, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65601. Representative: John M. Ringenberg, (same address as applicant), 417-862-7460. Transporting *general commodities* (except classes A and B explosives), between the facilities of United Freight, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148143 (Sub-6), filed May 15, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65601. Representative: John M. Ringenberg, (same address as applicant), 417-862-7460. Transporting *food and related products*, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN.

MC 151193 (Sub-7), 1981 filed May 7, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as applicant) (202) 499-3869. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in and distributed by supermarkets between points in the U.S., under continuing contract(s) with Allied Old English, Inc., of Port Reading, NJ.

MC 151473 (Sub-2), filed May 15, 1981. Applicant: THE B LINE, INC., 25 Adams St., Braintree, MA 02184. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413-781-8205. Transporting *building materials*, between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, PA, RI, and VT.

MC 151763 filed May 18, 1981. Applicant: BOB WARD EQUIPMENT

COMPANY, 10311 Shady Trail, Dallas, TX 75220. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332-4718. Transporting *machinery, between points in the U.S.*

MC 152352 (Sub-3), filed May 12, 1981. Applicant: WILLIAM TIMBLIN TRANSIT, INC., Route 1, Eden, WI 53019. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273-1003. Transporting *metal products* between the facilities used by National Material Corporation, at points in IL, IN, MI, OH and WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, OH, TN and WI.

MC 153723 (Sub-4), filed May 14, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065 Fayetteville, AR 72701, 501-521-8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of insulation materials, between the facilities of Eagle Picher Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153743 filed May 19, 1981. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 Hwy US 90-A, Sugar Land, TX 77478. Representative: James R. Skiles (same address as applicant) (713) 491-9181. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) A. E. Staley Manufacturing Company, of Decatur, IL, and (b) Imperial Sugar Company, of Sugar Land, TX.

MC 154793 filed May 15, 1981. Applicant: WILLIAM C. WOODARD d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbrier Pike, Springfield, TN 37172. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, 615-244-8100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Tobacco Company, of Greenwich, CT.

MC 155373, filed May 15, 1981. Applicant: WASTE DISPOSAL, INC., 888 Freewill Rd., Cleveland, TN 37311. Representative: Benny J. Green (same address as applicant) (615) 476-2293. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with Velsicol Chemical Corporation, of Chattanooga, TN. Condition: Any permit to be issued in this proceeding shall be limited in

term to a period expiring 5 years from its date of issuance.

MC 155803F, filed May 7, 1981. Applicant: WARREN PAYNE, INC., Route 1, Box 154-B, Linwood, KS 66052. Representative: Donald J. Quinn, Commerce Bank Building Suite 232, 8901 State Line, Kansas City, MO 64114 (816) 444-7474. Transporting *general commodities*, (except classes A and B explosives), 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.

MC 155813F, filed May 7, 1981. Applicant: JAY A. NOELL, 2822 Mason St., Niles MI 49120. Representative: Richard T. Bonelli, 17552 C.R. 10, Bristol, In. 46507 (219) 264-8223. Transporting such commodities as are dealt in or used by the manufacturers of automobile front wheel drive assemblies and parts between points in the U.S., under continuing contract(s) with GKN Automotive Components Inc., of Sanford, NC.

MC 156012, filed May 15, 1981. Applicant: BEACH TRANSPORTATION COMPANY, 625 Mount, Missoula, MT 59801. Representative: Bradley J. Luck, P.O. Box 7909, Missoula, MT 59807 (406) 728-1200. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in the U.S.

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Decided: June 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59444 (Sub-12), filed May 18, 1981. Applicant: WALLER TRUCK CO., INC., Route 2, Box 5900, Richmond, MO 64085. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221-1464. Transporting *food and related products*, between the facilities of Hunt and Wesson Foods, Inc., at or near Independence, MO, Memphis, TN, and Chicago, IL, on the one hand, and, on the other, points in AR, CO, IL, IA, KS, KY, MO, NE, and OK.

MC 124154 (Sub-111), filed May 18, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576-1221. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124154 (Sub-112), filed May 18, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee,

FL 32302 (904) 576-1221. Transporting *general commodities* (except classes A and B explosives), between the facilities of Union Carbide Corporation, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127115 (Sub-26), filed April 13, 1981, previously noticed in *Federal Register*, on April 24, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319.

Representative: Bruce W. Shand, 311 S. State St., Suite 280, Salt Lake City, UT 84111 (801) 531-1300. Transporting *iron and steel articles*, between points in Box Elder County, UT, on the one hand, and, on the other points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

Note.—This republication corrects the territorial description.

MC 127584 (Sub-9), filed May 18, 1981. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, NY 12428. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10106 (212) 697-6969. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Cerro Wire & Cable Corp., a subsidiary of The Marmon Group, or Maspeth, NY.

MC 135015 (Sub-5), filed May 18, 1981. Applicant: SOUTHERN TRANSIT COMPANY, INC., 1211 South 9th St., P.O. Box 3586, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902 (501) 782-1001. Over regular routes, transporting *general commodities* (except classes A and B explosives), between New Boston, TX and Texarkana, TX, over U.S. Hwy 82.

MC 135395 (Sub-4), filed May 18, 1981. Applicant: WAREHOUSE & TERMINAL CARTAGE CO., P.O. Box 1874, Bridgeview, IL 60454. Representative: James C. Hardman, 33 N. LaSalle St. Chicago, IL 60602 (312) 236-5944. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, WI, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties, IA.

MC 136774 (Sub-23), filed May 15, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603 (312) 236-9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Associated Milk Producers, Inc., of Madison, WI.

MC 141914 (Sub-102), filed May 15, 1981. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK

74332. Representative: Kathrena J. Franks (same address as applicant) (918) 783-5180. Transporting *rubber products*, between points in Coos County, NH, on the one hand, and, on the other, points in the U.S.

MC 145454 (Sub-18), filed May 18, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782-8880. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Universal Foods Corporation, of Milwaukee, WI.

MC 151225 (Sub-3), filed May 18, 1981. Applicant: DON WARD, INC., 241 West 56th Ave., Denver, CO 80216. Representative: Stevn E. Napper, 718 17th St., Suite 1700, Denver, CO 80202 (303) 825-5111. Transporting *ores and minerals*, between points in UT, on the one hand, and, on the other, points in CO.

MC 152485 (Sub-2), filed May 18, 1981. Applicant: REINVESTMENT, INC. d.b.a. MOBILE MINI-WAREHOUSING, INC., P.O. Box 11962, 6900 W. Buckeye Rd., Phoenix, AZ 85031. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264-4891. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and west of ND, SD, NE, KS, OK and TX.

MC 154104, filed May 19, 1981. Applicant: THREE RIVERS EXPRESS, INC., 509 West Cherokee, Wagoner, OK 74467. Representative: Farrell Rosson, 511 West Cherokee, Wagoner, OK 74467 (918) 485-2131. Transporting (1) *building materials*; (2) *steel buildings*; and (3) *appliances*, between points in the U.S., under continuing contract(s) with Rosson Lumber and Ready Mix Co., Inc., of Wagoner, OK.

MC 155104, filed May 19, 1981. Applicant: JOHN T. CYR & SONS, INC., 160 Gilman Falls Ave., Old Town, ME 14468. Representative: Clare Hudson Payne, P.O. Box 2110, Merrill Center, Bangor, ME 04401 (207) 947-0111. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and character operations, beginning and ending at points in Aroostock, Washington, Hancock, Piscataquis, Waldo and Somerset Counties, ME, and extending to points in the U.S.

MC 155945, filed May 15, 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 (614) 228-

8575. Transporting *clay, concrete, glass or stone products*, between points in Washington County, OH, on the one hand, and, on the other, points in KY, WV, PA, IN, MD, NY, TN, IL, VA, GA, NC, SC and FL.

MC 156045, filed May 15, 1981.
Applicant: H.P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726.
Representative: Francis E. Barrell, Jr., 10 Industrial Park Rd., Hingham, MA 02043 (617) 749-6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Transworld Adhesives and Chemical Corporation, of Rockland, MA; (2) Sarama Lighting of Mass., of Fall River, MA; and (3) Benny's, Inc., of Esmond, RI.

MC 156055, filed May 19, 1981.
Applicant: CAMDEN TRANSPORT, INC., 2102 Laurel Rd., Lindenwold, NJ 08021. Representative: Sylvester Servance (same address as applicant) (215) 561-4000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, DC.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10948 Filed 6-5-81; 8:45 am]
BILLING CODE 7035-01-M

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-78968. By decision of May 19, 1981, issued 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to HARDEE'S TRANSPORT, INC., of Jacksonville, FL, of Certificate Nos. MC 148788 (Sub-2F and 3F) issued to PORT CARRIERS, INC., on March 9, 1981, and December 12, 1980 respectively, and authorizing transportation of (1)(a) *general commodities* (except in bulk), in intermodal containers and (b) intermodal containers between points in Duval County, FL; Glynn and Chatham Counties, GA, and Chesteron County, S.C., on the one hand, and, on the other, points in Florida and Georgia, restricted to ex-water movement and (2) *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions, for the United States Government, between points in the United States. Representative is: James E. Wharton, Esq., Suite 811, Metcalf Bldg., 100 So. Orange Avenue, Orlando, FL 32802.

MC-FC-79018. By decision of April 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to RAMDO TRANSPORT, INC., of Fargo, ND of Permit MC 129484 (Sub-1, 3, 4 and 7), issued November 5, 1968, October 14, 1977, August 6, 1979, and April 8, 1981, respectively to MELVIN WANG of Fertile, MN d.b.a. M. WANG TRUCKING authorizing transportation as a motor contract carrier of *liquid fertilizer and liquid fertilizer ingredients*, from and to various points in Minnesota, Iowa, and North Dakota. No temporary authority or any other related application has been filed. Transferee holds no other motor carrier authority from the Commission. Representative: Gene P. Johnson, P.O.

Box 2471, Fargo, ND 58108 (701) 237-4223.

MC-FC-79047. By decision of March 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to THE GREYHOUND CONNECTION, INC., of Chanute, KS of Certificate MC 133778 and MC 133778 (Sub-2F) issued May 5, 1970 and November 2, 1980 to R. W. LAUSCH of Chanute, KS authorizing the transportation over irregular routes of *dogs and dog racing equipment* between points in Kansas, Oklahoma, Texas, Colorado, Missouri, Nebraska, Arkansas, South Dakota, Massachusetts, Florida, Arizona, New Hampshire, Vermont, Rhode Island, Connecticut, Alabama and West Virginia. Representative is John L. Richeson, P.O. Box 7, Ottawa, KS 66067. TA application has not been filed.

MC-FC-79077. By decision of March 24, 1981, issued under 49 C.F.R. 1045.11, Review Board No. 3 approved the change of Control of Distributor Services, Inc.; a broker of motor carrier freight transportation holding license No. MC 13074. Fifty percent of the commonstock of the corporate was authorized to be transferred from WILLIAM J. FARRELL, JR., to T. LAWRENCE VIGINENS, JR. As a result of the transaction T. Lawrence Vignurs, Jr., moved over all the common stock of the corporator. Representatives: Robert B. Einhorn, 12 South 12th Street, 3220 Pses Building, Philadelphia, PA 19107.

MC-FC-79108. By decision of May 1, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to ALL-COAST TRANSPORTATION SERVICES, INC. of Salt Lake City, UT of Certificate MC 33641 (Sub-151F) issued 1/29/81 to IML FREIGHT, INC. of Salt Lake City, UT authority to operate as a common carrier by motor vehicle in interstate of foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) moving on bills of lading of freight forwarders as defined in 49 U.S.C. Section 10102(8), between points in the United States. Representative is: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. TA application has not been filed.

MC-FC-79109. 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 ROBBINS TRUCK LINE, INC. of Hardinsburg, KY of Certificate No. MC 139958 and (Sub-1, 3, 4, 5, 7, 10, 11, 12, 13, 14, and 15) issued 12/5/77, 3/7/78, 10/12/78, 12/21/78, 3/20/79, 11/12/80, 8/21/80, 11/12/80, 2/2/81, 2/2/81, 12/12/80 and 3/13/81 to R.T. TRUCK SERVICE, INC. of Hardinsburg, KY authorizing generally the transportation of (1) *paper and paper products* from Hawesville, KY to points in Ohio, West Virginia, Indiana, Illinois, Michigan, Missouri, Tennessee, Georgia, and North Carolina. (2) *General commodities*, between Louisville, KY and Scottsburg, IN, over specified routes. (3) *Materials, supplies and equipment* used in the manufacture of paper and paper products between Hawesville, KY on the one hand, and, on the other, points in Georgia, Ohio, West Virginia, Indiana, Illinois, Kentucky, Michigan, Missouri, North Carolina, and Tennessee. (4) *Chemicals in containers* from the facilities of Olin Chemicals at Doe Run, KY to points in Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, Tennessee, Georgia, North Carolina, Louisiana and Kentucky. (5) *General commodities* between Salem, IN and Louisville, KY, over specified routes. (6) *General commodities* between the junction of IN Hwy. 62 and IN Hwy. 56 and the Jefferson Proving Ground, Jefferson County, IN over specified routes (7) *Communication cable, iron and steelwire and materials, equipment and supplies* used in their manufacture between the facilities of Anaconda Wire and Cable Co. at LaGrange, KY, on the one hand, and, on the other, points in Kentucky, Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arkansas, Texas, New York, Minnesota, Wisconsin, New Jersey, and Mississippi. (8) *Paint and materials, equipment and supplies* used in the manufacture of paint between the facilities of Pittsburgh Plate Glass at Delaware, OH, on the one hand, and, on the other, points in Kentucky, Georgia, Illinois, Texas, Ohio, Iowa, Louisiana, Missouri, Tennessee, Florida, Pennsylvania, Michigan and Virginia. (9) *Beverages and materials, equipment and supplies* used in their manufacture between the facilities of Kolmar Inc. at Austin, IN and points in Kentucky, Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, New Jersey, Mississippi, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arkansas, Texas, New York, Minnesota, and Wisconsin. (10) *Such commodities as are dealt in or used by grocery and*

food business houses between the facilities of Wetterau Foods, Inc. at Greenville, KY, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, West Virginia, Michigan, Missouri, New Jersey, Mississippi, Tennessee, Georgia, North Carolina, Louisiana, Alabama, South Carolina, Virginia, Pennsylvania, Arizona, Texas, New York, Minnesota, and Wisconsin. (11) *General commodities* serving the facilities of Hobart Corp. at or near Seymour, IN, as an off-route point in connection with the carrier's otherwise authorized regular-route operations. Representative is: Peter A. Greene, 1920 N St., NW., Washington, D.C. 20036. TA application has not been filed.

MC-FC-79110. By decision of May 1, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to GARY W. HALL, an Individual, of Garden City Park, NY, of Certificate MC 68308, issued to FRED SCHWANER, an Individual, d.b.a. CHARLES SCHWANER RICHMOND HILL STORAGE, of Garden City Park, NY, authorizing the transportation of *household goods*, over irregular routes, between New York, NY, and points in Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania. Representative: Same as above.

Note.—Transferee holds no authority from this Commission. Application for TA has not been filed.

MC-FC-79140. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to HERBERT TRUCKING, INC. of Certificate MC 60398 issued to ROBERT A. BOUCHER d.b.a. BOUCHER BROS. EXPRESS authorizing the irregular-route transportation of (1) *household goods* between Lowell, MA and points in Massachusetts within 10 miles of Lowell, on the one hand, and, on the other, points in NH, MN, VT, RI, CT and NY; and (2) *textile machinery*, between Lowell, MA on the one hand, and, on the other, points in Pittsfield, Foxcraft, Skowhegan and North Vassalboro, ME, Winooski, VT, Norwich, CT, and points in NH and RI. Representative is: John M. Callan, Esq., 1174 Central Street, Lowell, MA 01852.

MC-FC-79141. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JAMES H. GERBER d.b.a. GERBER TRUCK SERVICE, Belleville, IL of Certificate MC 20042 issued May 22, 1944 to FAT's EXPRESS, of Belleville, IL

authorizing the common carrier transportation of *General commodities*, except those of unusual value, and except livestock, dangerous explosives, *household goods* as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between St. Louis, MO, and Scott Field, IL, as follows: From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 13 to Belleville, IL, thence over IL Hwy 161 to junction unnumbered highway south of Scott Field, and thence over unnumbered highway to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 15 to Belleville, IL, and thence as specified above to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over U.S. Hwy 50 to junction Kings-highway, thence over Kings-highway to junction IL Hwy 15, thence over IL Hwy 15 to Belleville, IL, and thence as specified above to Scott Field. From St. Louis across the Mississippi River to East St. Louis, IL, thence over Missouri Avenue to junction Ill Hwy 13, thence over Missouri Ave. to Junction IL Hwy 13, thence over IL Hwy 13 to Belleville, and thence to Scott Field as specified above. From St. Louis across the Mississippi River to East St. Louis, IL, thence over IL Hwy 3 to Cahokia, IL, thence over IL Hwy 13 to Belleville, and thence to Scott Field, as specified above; and return over those routes to St. Louis. Service is authorized to and from all intermediate points on the above specified routes. *Household goods* as defined by the Commission, and *mining machinery and supplies*, over irregular routes, between St. Louis, MO, on the one hand, and on the other, points and places in St. Clair County, IL. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Ste. 1400, St. Louis, MO 63105 (314) 727-0777.

MC-FC-79142. By decision of May 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Parts 1132, Review Board Number 3 approved the transfer to INTERSTATE TRUCKING CORP. of Elizabeth, NJ, of Certificate No. MC-1548 and MC-1548 (Sub-No. 1) issued April 7, 1941, and October 8, 1970, respectively, to Mercer Motor Freight, Inc., of Tenton, NJ, authorizing the transportation in No. MC-1548 of *General commodities*, except those of unusual value, and except liquors, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, commodities in bulk, commodities requiring special

equipment, and those injurious or contaminating to other lading. Between Trenton, N.J., and New York: From Trenton over U.S. Highway 1 to Jersey City, N.J., and thence across the Hudson River to New York, N.Y., and return over the same route. Between Trenton, N.J., and Wilmington, Del.: From Trenton over New Jersey Highway 37 to Junction New Jersey Highway 39, thence over New Jersey Highway 39 to junction U.S. Highway 130, thence over U.S. Highway 130 to Stevens, N.J., thence over U.S. Highway 130 to junction unnumbered highway, thence over unnumbered highway to Burlington, N.J., thence over unnumbered highway via Riverside and Riverton, N.J., to Camden, N.J., thence across the Delaware River to Philadelphia, Pa. and thence over U.S. Highway 13 to Wilmington, and return over the same route. Between Trenton, N.J., and Philadelphia, Pa., as follows: From Trenton across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 1 to Philadelphia: From Trenton across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 13 to Philadelphia; and return over these routes to Trenton. Service is authorized to and from all intermediate points on the above-specified routes, and the off-route points of Hopewell, Lambertville, Pennington, and Princeton, N.J., and points and places in the New York, N.Y. Commercial Zone, as defined by the Commission in 1 MCC 665, those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J., and those in Delaware, Montgomery, and Philadelphia Counties, Pa.; in No. MC-1458 (Sub-No. 1) of *Ceramic wall tile, carpet cushioning, mechanics, rubber goods, plastic articles, commercial refrigerators, commercial cooling boxes, commercial cooling rooms, and cooling and breezing machines and parts thereof*, From Trenton, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Application for TA has been filed. Transferee presently holds authority under Certificate No. MC-139521. Applicant's representative is: Ronald I. Shapss, Esquire, Attorney, 450 Seventh Avenue, New York, NY 10123, (212) 239-4610.

MC-FC-79144. By decision of May 15, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to BREMCO MILLS, INC. of New Bremen, OH of Permit No. MC-146397 (Sub-No. 2) issued November 14, 1980 to M.T.I. Trucking, Inc. of Indianapolis, IN authorizing the transportation by

irregular routes of (1) *such commodities* as are dealt in by manufacturers of glass and plastic products, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Wisconsin, Michigan, Illinois, Missouri, Kentucky, Indiana, Ohio, Pennsylvania, and West Virginia, restricted to traffic originating at or destined to the facilities of Anchor Hocking Corporation at points in the designated territory, under continuing contract(s) with Anchor Hocking Corporation, at points in the above designated territory, under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH. Applicant's representative is: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10911 Filed 6-5-81; 6:45 am]
BILLING CODE 7035-01-M

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-78891. By decision of May 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to D&S EXPRESS, INC. of Bound Brook, NJ, of a portion of Certificate No. MC-139595 (Sub-No. 1) issued April 11, 1975 to Mid-Atlantic Transportation Co., of Elizabeth, NJ, authorizing the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Suffolk County, NY, beyond the New York, NY, Commercial Zone, on the one hand, and, on the other, points in Hudson, Essex, Union, and Middlesex Counties, NJ. Applicants' representative: Thomas F. X. Foley, Esq., State Highway 34, Colts Neck, NJ 07722, (201) 780-0300.

Note.—A directly related extension application in No. MC-139596 (Sub-No. 1) is published in this same Federal Register issue.

MC-FC-78991. By decision of February 18, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to T. D. MURPHY, d.b.a. MOVIE FILM EXPRESS of Mesa, AZ, of a portion of Certificate No. MC-121335 (Sub-No.2) issued November 30, 1978, to Film Transport Co., of Cal., Inc., of Los Angeles, CA, authorizing the transportation of *films and articles associated with the exhibition of motion pictures*, between Los Angeles, on the one hand, and, on the other, points in Arizona on and south of a line beginning at the junction of Interstate Hwy 10 and the Arizona-California State line, then along Interstate Hwy 10 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70 at Globe, AZ, then over U.S. Hwy 70 to its intersection with the Arizona-New Mexico State line. Applicant's representative: Theodore W. Russell, Attorney at Law, 1545 Wilshire Blvd., Los Angeles, CA 90017.

MC-FC-79062. By decision of May 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132,

Review Board Number 3 approved the transfer to KOHN TRANSPORT, INC. of Canton, OH of Permit No. MC-141925 (Sub-Nos. 4 and 5) and issued to Kohn Beverage, Inc., d.b.a. Kohn Transport, of Canton, OH, authorizing: *such commodities* as are dealt in or used by printer, (except commodities in bulk), from the facilities of Danner Press Corporation, at or near Canton, OH, to Detroit, MI, Erie, PA, and Syracuse, Rochester, and Buffalo, NY, under contract(s) with Danner Press Corporation, of Canton, OH. *Such commodities* as are dealt in or used by printers (except commodities in bulk), from the facilities of Danner Press Corporation at or near Canton, OH, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, and Wisconsin, under continuing contract(s) with Danner Press Corporation. Applicant's representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215.

Note.— The Review Board dismissed the application insofar as it involved transfer of authority conditionally granted in No. MC-147906, as no certificated authority has been issued in that proceeding, in the absence of compliance with Commission regulations.

MC-FC-79127. By decision of May 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to ALTON DELIVERY SERVICE, INC. of New York, New York of certificate No. of MC-141417, lead and Sub-No. 1, issued March 15, 1976 and July 24, 1979 respectively to Super Speed Delivery & Messenger Service, Inc. of New York, New York. The certificate authorized the transportation over irregular routes of (lead) *General commodities* (usual exceptions), between points in Bergen, Passaic, Essex, Hudson, Union and Middlesex Counties, NJ, on the one hand, and, on the other, New York, New York; (Sub-No. 1) *Textiles and textile picture kits*, between Lynchburg and Madison Heights, VA, Pawtucket, RI, Taylorsville, Statesville, Greenville, Aberdeen, Spindale, and Williamston, NC, Greenville, Lugoff, Simpsonville, Wateree, Kingstree and Williamston, SC, on the one hand, and on the other, Newburgh, NY, Derby, CT, Fall River and New Bedford, MA, Pawtucket, RI, and points in New Jersey on and north of U.S. Hwy 22. Applicant's representative is: John D. Heffner, Suite 307, 2011 I Street NW., Washington, DC 20006. Transferee holds no authority. TA lease is not sought.

MC-FC-79134. By decision of May 14, 1981, issued under 49 CFR 1132. Review Board Number 3 approved the Transfer to LINDSEY MOTOR EXPRESS, INC. of

Cincinnati, OH of Permit No. MC-123540, MC-123540 (Sub-No. 3) and No. MC-123540 (Sub-No. 4) issued to Werlin Corporation of Cincinnati, OH authorizing the transportation of *dry fertilizer*, in bulk and in bags, from the plant site of the Armour Agricultural Chemical Co., of St. Bernard, Ohio, to points in Fleming, Bath, Lewis, Mason, Wolfe, Nicholas, Bourbon, Montgomery, Clark, Madison, Fayette, Garrard, Menifee, Rowan, Morgan, and Elliott Counties, KY., under a continuing contract, or contracts, with Armour Agricultural Chemical Co., of St. Bernard, Ohio; *fertilizer*, from St. Bernard and Cincinnati, Ohio, to points in Indiana, Kentucky, and these in Cabell, Calhoun, Lincoln, Putnam, Pleasants, Tyler, Wetzel, Mason, Roane, Wirt, Wood, and Wayne Counties, W. Va.; and *liquid fertilizer*, in bulk in tank vehicles, from Kingston, Ohio, to points in Indiana and Illinois (except East St. Louis and points in Illinois within the St. Louis, Mo.—East St. Louis, Ill., commercial zone as defined by the Commission), under continuing contract, or contracts, with Swift Agricultural Chemical Corporation; and in a pending request authority is sought to transport *commodities in bulk*, between points in the United States, under continuing contract(s) with Stauffer Chemical Company, of Westport, Ct., Sherwin Williams Co., of Mason, OH, Vulcan Materials, Company, of Wichita, KS, and Kaiser Agricultural Chemicals, of Savannah, GA. Applicant's representative: Paul F. Berry, 275 East State St., Columbus, OH 43215. TA lease is not sought. Transferee is a carrier.

MC-FC-79135. By decision of May 14, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to J. J. RIEDINGER d.b.a. OVERLAND COMMERCIAL COMPANY of Certificate No. MC-147748F issued January 6, 1981 to R. C. Kercheval and J. J. Riedinger, a partnership doing business as Overland Commercial Company authorizing the irregular route transportation of *general commodities* (except Class A and B explosives), between points in the Seattle, WA and Tacoma, WA Commercial zones restricted to traffic having a prior or subsequent movement by water. Applicant's representative is: George R. LaBissoniere, Attorney-At-Law, Suite 233, 15 S. Grady Way, Renton, WA 98055.

MC-FC-79138. By decision of May 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to B & F Towing & Salvage Co.,

Inc., of New Castle, DE of Certificate No. MC-124198 issued October 5, 1972, to P & S Service, Inc., of Jersey City, NJ, authorizing the transportation of *wrecked or disabled trucks, tractors, busses and passenger cars*, in towaway service, requiring the use of wrecker equipment, between points in New Jersey and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, and *replacement vehicles* for such wrecked or disabled trucks, tractors, and passenger cars, in towaway service, from points in New Jersey and New York, to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, with no transportation for compensation on return, except as otherwise authorized. An application for temporary authority has been filed. Transferee presently holds no authority from the Commission. Applicant's representative is: Robert J. Corber, Attorney, Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, DC 20036, (202) 862-2038.

MC-FC-79156. By decision of May 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 3 approved the transfer to Trans-Speed Delivery Service, Inc., of New York, New York of certificate No. MC-141417, (Sub-No. 3), issued October 31, 1979 to Super Delivery and Messenger Service, Inc. of New York, New York. The certificate authorizes transportation over irregular routes of *textiles* from Newburgh, NY, to New York, NY. Applicant's representative is: John D. Heffner, Suite 307, 2011 I Street, N.W., Washington, DC 20006. Transferee holds no authority. TA lease is not sought.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with

applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 139595 (Sub-No. 1). By decision of May 6, 1981, issued under 49 U.S.C. 10920 Review Board Number 3 approved

the application of D&S Express, Inc., authorizing the transportation of (1) *General commodities* (Classes A and B explosives), between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, NJ, and points in Orange, Rockland, and Westchester Counties, NY, and (2) *textile mill products*, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey.

Note.—This application is directly related to a transfer proceeding pursuant to 49 U.S.C. 10928 in MC-FC-78891, published in this same Federal Register issue.

Appendix B

No. MC-139598 (Sub-No. 1)

Authority to conduct the following operations will be issued in an appropriate document.

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities*, Classes A and B explosives, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, NJ, and points in Orange, Rockland, and Westchester Counties, NY, and (2) *textile mill products*, between Suffolk County, NY, on the one hand, and, on the other, points in New Jersey.

Agatha L. Mergesovich,
Secretary.

[FR Doc. 81-16912 Filed 6-4-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-085

Decided: May 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 114533 (Sub-374), filed May 15, 1981. Applicant: GELCO COURIER SERVICES, INC., P.O. Box 1975, St. Paul, MN 55511. Representative: Sally G. Galway, (same address as applicant), 612/828-2781. Transporting, for or on behalf of the U.S. Government, *general commodities* except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155902, filed May 12, 1981.

Applicant: JIMMIE R. LOGAN, d.b.a. MARBIE TRUCKING, 5042 Raven Oaks Drive, Omaha, NE 68154. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. (402) 397-9900. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle, in such vehicle*, between points in the U.S.

Volume No. OPY-2-089

Decided: May 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 29452 (Sub-7), filed May 22, 1981. Applicant: BOW EXPRESS, INC., 1251 Taney, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant), (816) 221-3411. Transporting *general commodities* (except classes A and B explosives), between Sedan, Caney, and Cedar Vale, KS, on the one hand, and, on the other, points in the U.S.

MC 71652 (Sub-53), filed May 14, 1981. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, 415-986-1414. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156103 (Sub-1), filed May 28, 1981. Applicant: MASS TRANSPORT, INC., 12 Mason Street, Worcester, MA 01609. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle, in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP1-162

Decided: May 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 156011, filed May 15, 1981. Applicant: VICTOR R. CRANE, JR., d.b.a. MANATOR, 3920 Serenity Hills Dr., Vacaville, CA 95688. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111 (415) 986-1414. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156061, filed May 20, 1981. Applicant: LAND & SEA, INC., Route 6, Twin Falls, ID 83301. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. As a *broker*, of *general commodities* (except used household goods) between points in the U.S.

MC 156081, filed May 15, 1981. Applicant: WAYNE M. WITHROW & CO., 29000 South Western Ave., San Pedro, CA 90732. Representative: John F. Peterson (same address as applicant) (213) 831-0201. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 156101, filed May 22, 1981. Applicant: TRANSPORT BROKERS, INC., P.O. Box 944, Bensalem, PA 19020. Representative: Richard Reuda, 135 North 4th Street, Philadelphia, PA 19106 (215) 627-1923. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154381, filed May 18, 1981. Applicant: PRETLOW BROS. TRUCKING CO. INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same address as applicant) (804) 780-2660. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151941 (Sub-2), filed May 15, 1981. Applicant: DELMONT E. HARTT, INC., P.O. Box 26, Etna, ME 04435. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101 (207) 773-5651. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

Volume No. OPY-3-082

Decided: June 1 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 146674 (Sub-7), filed May 19, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M Street, NW., Suite 501, Washington, DC 20036 (202) 296-2900. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155995, filed May 15, 1981. Applicant: FRANKS OPERATING & DISTRIBUTING COMPANY, Route 1, P.O. Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant), (918) 783-5180. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 156034, filed May 11, 1981. Applicant: EMERY A. JOHNSON, 3239 Halifax Ave., N. Robbinsdale, MN 55422. Representative: Emery A. Johnson (same address as applicant), (612) 21-1129. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers and other soil conditioners by the owner of the motor vehicle in such vehicle*, between points in the U.S.

Vol. No. OPY-4-170

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156106, filed May 22, 1981. Applicant: RON KINSFATER, 10913 S.E. Wood, Milwaukie, OR 97222. Representative: (same as applicant) (503) 659-1272. Transporting *food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle* between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-19909 filed 6-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-161

Decided: May 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

W 580 (Sub-10), filed April 30, 1981. Applicant: DRUMMOND LIGHTERAGE COMPANY, P.O. Box 2287, Seattle, WA 98111. Representative: Leo C. Franey, 700 World Center Building, 918 Sixteenth Street NW., Washington, DC 20006, (202) 785-3700. To operate as a *common carrier* by water, in interstate or foreign commerce, (1) by self-propelled vessels or by nonself-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and (2) by towing vessels in the performance of general towage, between ports and points on the Atlantic Coast and tributary waterways, Gulf of Mexico Coast and tributary waterways (excluding the Mississippi River System above Baton Rouge, LA), and Pacific Coast and tributary waterways.

MC 2960 (Sub-48), filed April 13, 1981, and previously noticed in the *Federal Register* issue of April 29, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *general commodities* (except classes A and B explosives), between points in AR, TX, LA, and OK.

Note.—This republication includes AR in the radial territory.

MC 17000 (Sub-28), filed May 18, 1981. Applicant: HOHENWALD TRUCK LINES, INC., P.O. Box 196, Hohenwald, TN 38462. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244-8100. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Chapel Hill, TN, and Nashville, TN, over U.S. Hwy 31A, serving all intermediate points.

MC 35831 (Sub-28), filed May 18, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060.

Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76106, (817) 332-4718. Transporting *mercator commodities*, between points in TX, LA and NM.

MC 61440 (Sub-211), filed May 18, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840-7579. Transporting *general commodities* (except classes A and B explosives), serving points in Tuscaloosa County, AL, as off-route points in connection with applicant's authorized regular route operations.

MC 82841 (Sub-313), filed May 15, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *such commodities* as are dealt in or used by agricultural and industrial equipment dealers and manufacturers (1) between points in Scott and Des Moines Counties, IA, on the one hand, and, on the other, points in IA, NE, SD, MO, KS, CO, WY, UT, MT, NM, AZ, CA, NV, ID, WA, and OR, and (2) between points in Racine County, WI, on the one hand, and, on the other, points in MO, IA, NE, KS, SD, CO, and WY.

MC 85970 (Sub-55), filed May 8, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *metal products*, between points in Orange County, CA, on the one hand, and on the other, points in the U.S.

MC 88161 (Sub-100), filed May 18, 1981. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Representative: Paul J. Monroe (same address as applicant), (206) 767-3605. Transporting *pulp, paper and related products, and lumber and wood products*, between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 93840 (Sub-63), filed May 15, 1981. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company and its subsidiaries, in the U.S., on the one

hand, and, on the other, points in the U.S.

MC 108121 (Sub-17), filed May 15, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101, (206) 623-7580. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Mazda Motors of America (Central), Inc. of Compton, CA.

MC 108121 (Sub-18), filed May 20, 1981. Applicant: TRANSPORT STORAGE & DISTRIBUTING CO., a corporation, 18800 Southcenter Parkway, Tukwila, WA 98188. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101, (206) 623-7580. Transporting *transportation equipment*, between Tacoma, WA, and points in NV.

MC 111310 (Sub-65), filed April 20, 1981, previously noticed in the Federal Register issue of May 5, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703, (608) 256-7444. Transporting *food and related products*, between the facilities of Swift & Company at those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 113751 (Sub-47), filed May 18, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *food and related products* between the facilities used by Sanna, Inc., a subsidiary of Beatrice Food Company at those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, OK and TX.

MC 114761 (Sub-15), filed May 20, 1981. Applicant: GETTER TRUCKING INCORPORATED, 1635 North Frontage Road, Billings, MT 59101. Representative: John R. Davidson, Suite 805, First Bank Bldg., Billings, MT 59101, (406) 248-9156. Transporting (1) *mercer commodities* and (2) *pipe, and earth drilling materials, equipment, and supplies*, (a) between points in AK, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, and (b) between points in AK, AZ, CA, CO, ID, KS, MT, NE, ND, NM, NV, OK, OR, SD, TX, UT, WA, and WY, on the one hand, and, on the other, those points in

the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 117730 (Sub-87), filed May 15, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route #47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 720-9722. Transporting *food and related products*, between points in Davidson County, TN, on the one hand, and, on the other, points in FL, GA, NC, PA, and SC.

MC 121720 (Sub-1), filed May 19, 1981. Applicant: FRANK'S TRANSFER, INC., 126 West Forest Grove, Phoenix, AZ 85041. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274-5146. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kinney Service Corporation, of Harrisburg, PA.

MC 123310 (Sub-24), filed May 20, 1981. Applicant: DOUG ANDRUS DISTRIBUTING, INC., 1820 W. Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *chemicals and related products* between points in ID, MT, OR, WA, WY and UT.

MC 134551 (Sub-23), filed May 19, 1981. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Dr., Madison, IL 62060. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD, (301) 840-8565. Transportation (1) *chemicals and related products*, (2) *machinery*, and (3) *instruments and photographic goods*, between St. Louis, MO, on the one hand, and, on the other, those points in IL on and south of U.S. Highway 80.

MC 138800 (Sub-1), filed May 15, 1981. Applicant: THREE BROTHERS, INC., 40 "B" Street, Boston, MA 02127. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535-5430. Transporting *transportation equipment*, between points in MA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 143130 (Sub-2), filed May 8, 1981. Previously noticed in Federal Register issue of May 21, 1981. Applicant: RITCHIE BUS LINES, INC., 257 West Main Street, Northboro, MA 01530. Representative: Thomas N. Willless, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783-8131. Transportation *passengers and their baggage*, in the same vehicle with passengers, in charter operations, between points in MA and RI, and those

in Windham, Tolland, Hartford, New Haven, Middlesex, and New London Counties, CT, Merrimack, Rockingham, Hillsborough and Cheshire Counties, NH, York County, ME, and Windham County, VT, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

Note.—This republication clarifies the type of service to be performed.

MC 143280 (Sub-28), filed May 18, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transportation (1) *pulp, paper and related products*, (2) *chemicals and related products*, (3) *metal products*, and (4) *rubber and plastic products*, between points in Will County, IL, Brown and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 143600 (Sub-2), filed May 19, 1981. Applicant: H. K. DELIVERY SYSTEMS, INC., 836 West North Ave., Pittsburgh, PA 15233. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471-3300. Transporting *general commodities* (except classes A and B explosives), between Pittsburgh, PA, on the one hand, and, on the other, points in OH, PA, and WV.

MC 144140 (Sub-57), filed May 19, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant), (904) 357-1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rush-Hampton Industries, Inc. of Longwood, FL.

MC 145461 (Sub-4), filed May 15, 1981. Applicant: TENNESSEE-TEXAS EXPRESS, INC., P.O. Box 888, Gallatin, TN 37066. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *furniture and fixtures* between points in Sumner County, TN, and Fulton County, GA, on the one hand, and, on the other, points in the U.S.

MC 147400 (Sub-9), filed May 18, 1981. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53404. Representative: William D. Brejcha, 10 S. La Salle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Crown Cork & Seal Corporation, Inc., of Philadelphia, PA.

MC 147911 (Sub-6), filed May 20, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347-8862. Transporting *chemicals and related products*, between points in Wilson County, TN, on the one hand, and, on the other, points in the U.S.

MC 148160 (Sub-2), filed May 20, 1981. Applicant: L. S. GEIST, INC., East Mountain Rd., P.O. Box 116, Hegins, PA 17938. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting (1) *food and related products* (a) between points in Coshocton County, OH, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, and RI, (b) between points in Adams and Franklin Counties, PA, and Niagara County, NY, on the one hand, and, on the other, points in CT, DE, FL, GA, KY, MA, MD, ME, NC, NJ, NH, NY, RI, SC, VA, VT, and WV, and (c) between points in Berks County, PA, on the one hand, and, on the other, points in ME, MD, NH, NJ, VT, and NY, and (2) *packaging materials*, between points in GA, OH, MA, NJ, and NY, on the one hand, and, on the other, points in PA.

MC 148971 (Sub-4), filed May 20, 1981. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Becklick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *food and related products*, between points in CT, DE, MA, ME, MD, NJ, NY, PA, RI, VT, VA, WV, and DC.

MC 150741 (Sub-3), filed May 15, 1981. Applicant: HUEY TRANSPORTATION COMPANY, INC., 2802 Lomb Ave., Birmingham, AL 35208. Representative: Gerald D. Colvin, Jr., 803 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *metal products and machinery*, between the facilities of Baron Industries, Inc. and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151080 (Sub-5), filed May 21, 1981. Applicant: SENATE CARTAGE COMPANY, INC., 1000 Jorie Blvd., Oak Brook, IL 60521. Representative: Lawrence T. Sansone, (same address as applicant), (312) 986-8050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Capitol Freight Systems and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151350, filed May 20, 1981. Applicant: LARRY PEDERSON

TRUCKING, INC., 301 St. Paul Ave., Fulda, MN 56131. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between points in Murray County, MN, on the one hand, and, on the other, points in IA, MO, NE, SD, ND, and KS.

MC 151471 (Sub-8), filed May 18, 1981. Applicant: STEINBECKER BROS., INC., P.O. Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303) 839-5856. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour Food Co. of Phoenix, AZ and National Beef Packing Co. of Liberal, KS.

MC 151660 (Sub-2), filed May 18, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant), (214) 438-2851. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company of Little Rock, AR.

MC 151880 (Sub-1), filed May 15, 1981. Applicant: K & K TRUCKING, INC., 806 Cullum St., Carthage, TN 37030. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347-8862. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Nashville and Gainesboro, TN, (1) from Nashville over U.S. Hwy 70N to junction TN Hwy 53, then over TN Hwy 53 to Gainesboro, and return over the same route, and (2) from Nashville over U.S. Hwy 70N to junction TN Hwy 85, then over TN Hwy 85 to Gainesboro and return over the same route, serving in routes (1) and (2) above, Dixon Springs, TN as an intermediate point and points in Smith County, TN as off-route points.

MC 152001 (Sub-3), filed May 20, 1981. Applicant: HALL'S SPECIALTIES, INC., R.R.#1, Laotto, IN 46763. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market St., Indianapolis, IN 46204, (317) 634-8313. Transporting *petroleum, natural gas and their products*, (1) between points in Allen County, IN, on the one hand, and, on the other, points in Allegheny County, PA, Cook County, IL, and Montgomery, Lucas and Franklin Counties, OH, and (2) between points in Huntington and St. Joseph Counties, IN, Berrien, Jackson and Ingham Counties, MI, and Allen and Lucas Counties, OH,

on the one hand, and, on the other, points in IN, MI, and OH.

MC 152261 (Sub-2), filed May 18, 1981. Applicant: M. W. ETTINGER, INC., 2711 Fairview Avenue N., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Modern Merchandising, Inc., of Minnetonka, MN.

MC 152620 (Sub-7), filed May 21, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main Street, Glen Ellyn, IL 60137. Representative: John H. King (same address as applicant), (312) 790-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Clevepak Corporation, of Milwaukee, WI.

MC 152980, filed May 20, 1981. Applicant: KRIGBAUM'S TRUCKING, INC., Rural Route #2, Box 1878, Covington, IN 47932. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528-8476. Transporting *printed matter* between Danville, IL, on the one hand, and, on the other, points in IN, MO, and MI.

MC 153550 (Sub-2), filed May 18, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301, (404) 522-2322. Transporting *metal products*, between the facilities used by Anchor Die Cast Division of PPA Industries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153550 (Sub-3), filed May 20, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72701. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301, (404) 522-2322. Transporting *food and related products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155470, filed May 26, 1981. Applicant: H & O TRANSPORT, INC., P.O. Box 357, Campbellsville, KY 42718. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219, (615) 244-8100. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of textile products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155370, filed May 15, 1981.
Applicant: KEM CONTRACT CARRIERS, INC., Kirkwood Industrial Park, P.O. Box 1565, Binghamton, NY 13902. Representative: Donald C. Carmien, 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Spaulding Bakeries, Incorporated of Binghamton, NY.

MC 156010, filed May 18, 1981.
Applicant: PENN'S BEST, INC., P.O. Box A-4, Canal St., Meshoppen, PA 18630. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, (717) 236-9318. Transporting *general commodities* (except classes A and B explosives), between points in PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, SC, VA, and VT.

MC 158020, filed May 19, 1981.
Applicant: DAYLIGHT TRANSPORT, INC., 66-00 Long Island Expressway, Maspeth, NY 11378. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432-0940. Transporting *general commodities* (except classes A and B explosives) between New York, NY, and Los Angeles, CA.

MC 156041, filed May 18, 1981.
Applicant: KARDON TRANSPORT, INC., 1201 Chestnut St., Philadelphia, PA 19107. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *petroleum, natural gas and their products, pulp, paper and related products, rubber and plastic products, and chemicals and related products*, between points in OH, MD, GA, AL, PA, NY, NJ, and IL, on the one hand, and, on the other, points in the U.S.

MC 156060, filed May 20, 1981.
Applicant: ALL SEASONS GROUP TOURS, INC., 1828 Eastern Ave., Baltimore, MD 21231. Representative: Jeffrey W. Barber (same address as applicant), (301) 522-2300. As a *broker*, at Baltimore, MD, in arranging for the transportation of *passengers and their baggage*, beginning and ending at Baltimore City and points in Baltimore, Carroll, Harford, Anne Arundel, Frederick, Howard, Montgomery, and Prince Georges Counties, MD, Alexandria, and points in Arlington, Fairfax, Loudoun and Prince William Counties, VA, and DC, and extending to points in the U.S.

Volume No. OPY-4-161

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 96996 (Sub-2), filed May 20, 1981.
Applicant: COLLINS CRANE & RIGGING SERVICE, INC., 408 Spring St., East Bridgewater, MA 02333. Representative: Joseph G. Collins (same address as applicant), (617) 378-3434. Transporting *Those commodities* which because of size or weight require the use of special handling or equipment, between points in CT, MA, ME, NH, NJ, NY, OH, PA, RI and VT.

MC 119176 (Sub-36), filed May 4, 1981.
Applicant: THE SQUAW TRANSIT COMPANY, a corporation, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 623 So. Henderson, 2nd Fl., Fort Worth, TX 76104 (817) 332-4415. Transporting *metal products*, between the facilities of Van Pelt Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143636 (Sub-16), filed May 19, 1981. Applicant: RON SMITH TRUCKING, INC., Rural Route No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 So. Sixth St., Springfield, IL 62703 (217) 753-3925. Transporting *coal*, between points in IN, IL and KY.

MC 156026, filed May 18, 1981.
Applicant: DALE KINGSMORE, d.b.a. KINGSMORE GROUP, Rt. 4, Pineland Rd., Union, SC 29379. Representative: James M. Arthur, P.O. Box 705, Union, SC 29379 (803) 427-8662. To engage in operations, in interstate or foreign commerce as a *broker*, at Union County, SC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, beginning and ending at Union County, SC, and extending to points in the U.S. including AK and HI.

Volume No. OPY-4-167

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 125996 (Sub-99), filed May 21, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927-8855. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *machinery*, between points in WI, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM and TX, and (4) *food and related products*, between Milwaukee, WI, Chicago, IL, Tampa and St. Petersburg, FL, points in Orange County, CA, Windham County, CT and Bucks County, PA, on the one hand, and, on the other, points in the U.S.

MC 135726 (Sub-5), filed May 21, 1981.
Applicant: INLAND CONTRACT CARRIERS, INC., 2085 Hwy 143, West Bend, WI 53095. Representative: John H. LeSeur, 1224 Seventeenth St., N.W., Washington, D.C. 20036 (202) 347-7170. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Larpen Supply Company of Milwaukee, WI.

MC 146646 (Sub-148) filed May 21, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Pkwy., Birmingham, AL 35209 (205) 942-9116. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc. of Boston, MA.

Volume No. OPY-4-168

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

W-16 (Sub-1), filed May 19, 1981. Applicant: S. C. LOVELAND CO., INC., 520 S. Front St., Philadelphia, PA 19147. Representative: Donald Macleay, Commonwealth Bldg., 1625 K St., N.W., Washington, D.C. 20006, (202) 393-3390. Transporting by water, by self-propelled vessels and non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, (1) between ports and points along the Gulf of Mexico Coast and all tributary waterways, (2) between ports and points along the Pacific Coast and all tributary waterways, (3) between ports and points in (1) above, and ports and points in (2) above, and (4) between ports and points in (1) and (2) above, and ports and points along the Atlantic Coast and all tributary waterways except the Hudson River above the Port of New York.

MC 142066 (Sub-2), filed May 21, 1981.
Applicant: THEOPHANE LAWRENCE SCHLEGEL AND DIANA GAYLE SCHLEGEL, a PARTNERSHIP d.b.a. CENTRAL PACIFIC FREIGHT LINES, 950 W. 1st., Eugene, OR 97402. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), between Eugene, OR and Coos Bay, OR; from Eugene over Interstate Hwy 5, to the junction Interstate Hwy 5 and OR Hwy 99, then over OR Hwy 99 to the junction OR Hwy 38, then over OR Hwy 38 to U.S. Hwy

101, then over U.S. Hwy 101 to Coos Bay, serving all intermediate points and off-routes in Lane, Douglas, Coos and Curry Counties, OR.

MC 146646 (Sub-147), filed May 15, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355-A, Birmingham, AL 35217. Representative: James W. Segrest (Same address as applicant) (205) 849-5403. Transporting *such commodities* as are dealt in or used in the manufacture, distribution and assembly of trailers, mobile homes, and recreational vehicles, between the facilities LaSalle Deitch Company, Inc., at points in the U.S., on the one hand, and, on the other points in the U.S.

MC 149546 (Sub-7), filed May 5, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 155987, filed May 13, 1981. Applicant: SHORT LINE BUS SYSTEMS, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11201, (516) 482-0881. To engage in operation, in interstate or foreign commerce, as a broker, at Mahwah, NJ, in arranging for the transportation, by motor vehicles, of *passengers and their baggage*, between points in the U.S. (including AK and HI).

Volume No. OPY-4-169

Decided: June 2, 1981.

By the Commission, Review board No. 2, Members Carleton, Fisher, and Williams.

MC 146596 (Sub-2), filed May 22, 1981. Applicant: FRED McCALL TRUCKING, INC., 2079 Railroad St., Ontario, NY 14519. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043, (716) 681-7190. Transporting *stone products*, between points in Berkshire County, MA and Surry County, NC, on the one hand, and, on the other, points in CT, NJ, NY, and PA.

MC 147316 (Sub-3), filed May 26, 1981. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Hwy 34, Creston, IA 50801. Representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309, (515) 243-6251. Transporting *empty cans, empty bottles, and components thereof*, between points in IA, on the one hand, and, on the other, points in MN, IL, WI, NE, IN, MI, and MO.

MC 149026 (Sub-29), filed May 22, 1981. Applicant: TRANS-STATES LINES, INC., P.O. Box 6645, Fort Smith, AR 72906. Representative: Larry C. Price (same address as applicant), (501) 785-6177. Transporting *general commodities* (except classes A and B explosives), between points in Buncombe County, NC and Benton County, AR, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-171

Decided: June 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 128746 (Sub-74), filed May 26, 1981. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 S. 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, Suite 501, 1730 M St. NW., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 135936 (Sub-34), filed May 26, 1981. Applicant: C & K TRANSPORT, INC., Box 205, Webster City, IA 50591. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK.

MC 136316 (Sub-3), filed May 22, 1981. Applicant: SMITH TRUCKING CO., INC., Route 4, Lancaster, SC 29720. Representative: Stuart R. Childs, One NCNB Plaza, Suite 3440, Charlotte, NC 28280, (704) 377-2086. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shanklin Equipment, Inc., of Ft. Mill, SC.

MC 146386 (Sub-8), filed May 12, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., 10 E. Oregon Ave., Building "A", Philadelphia, PA 19148. Representative: Richard Fueda, 135 N. Fourth St., Philadelphia, PA 19106, (215) 527-1923. Transporting *such merchandise* as is dealt in by department stores and food business houses, between Akron, Canton, Cleveland, Cincinnati, Columbus, and Dayton, OH, Philadelphia and Pittsburgh, PA, Providence, RI, Columbia

and Greenville, SC, Memphis, TN, Austin, Dallas, Fort Worth, and Houston, TX, Milwaukee, WI, Birmingham, AL, Phoenix and Tucson, AZ, Los Angeles, Oakland, Sacramento, and San Diego, CA, Atlanta and Augusta, GA, Chicago, IL, Indianapolis, IN, Lexington and Louisville, KY, Charlotte, NC, Manchester, NH, New York and Rochester, NY, and those points in Allen and Clark Counties, OH, Monterey, San Mateo, Santa Barbara, and Santa Clara Counties, CA, Clarke County, GA, Kenton and Boone Counties, KY, Montgomery and Worcester Counties, MD, Middlesex, Essex, and Barnstable Counties, MA, and Gaston County, NC, on the one hand, and, on the other, points in the U.S. (except MN, UT, ND, SD, and NE).
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16910 Filed 6-5-81; 8:45 am]

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[Volume No. 95]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 88747.

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 specific provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 52460 (Sub-328)X, filed May 11, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 22, 23, 27, 28, 31, 35, 37, 41, 58, 67, 70, 72, 86, 87, 88, 91, 94, 127, 133, 189, 193, 194, 198, 206, 207, 231, 253, and 288 certificates and E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, and E-9 letter notices to (1) broaden the commodity descriptions from natural or casing gasoline, petroleum products, petroleum, lubricating oils, creosote oil and coal tar, aviation gasoline, petroleum treating compounds, greases, vehicle body sealer and sound deadener compounds, filters, and residual fuel oil to "petroleum, natural gas and their products," in each certificate; (2) eliminate the facilities limitations in Sub-Nos. 86, 127, 133, 194, 206F, 231F, and 288F; (3) replace specific points or facilities authority with county-wide or city-wide authority as follows: Mankins, Eliasville and South Bend with Archer and Young Counties, TX, and Allen, Wypnewood, Ardmore, Cyril and Grandfield, with Pontotoc, Garvin, Carter, Caddo and Tillman Counties, OK, in Sub-No. 5; Mankins with Archer County, TX, and Beckett with Stephens County, OK, in Sub-No. 6; Borger with Hutchinson County, TX, and Enid, Oklahoma City and Tulsa with Garfield, Oklahoma and Tulsa Counties, OK, in Sub-No. 23; Oran with Scott County, MO, and Bald Knob with White County, AR, in Sub-No. 27; Tulsa with Tulsa County, OK, in Sub-No. 28; Tulsa with Tulsa County, OK, Waterloo with Black Hawk County, IA, Granite City with Madison County, IL, and St. Joe with Searcy County, AR, in Sub-No. 31; facilities at Amarillo with Randall County, TX, and Fort Smith with Sebastian County, AR, in Sub-No. 37; Little Rock with Pulaski County, AR, in Sub-No. 41; Oklahoma City and Tulsa with Oklahoma and Tulsa Counties, OK, in Sub-No. 87; Bossier City with Bossier Parish, LA, and Enid and Tulsa with Garfield and Tulsa Counties, OK, in Sub-No. 70; facilities at Port Arthur with Jefferson County, TX, in Sub-No. 72; Beaumont with Jefferson County, TX, in Sub-Nos. 86 and 87; Coffeyville, Wichita and El Dorado, with Montgomery, Butler and Sedgwick Counties, KS, in Sub-No. 88; Smith's Bluff with Jefferson County, TX, in Sub-No. 91; Enid with Garfield County, OK, in Sub-No. 94; facilities at

Kansas City with Kansas City, KS, in Sub-No. 127; Almyra, Eudora, Harrisburg, Hickory Ridge, and Lonoke with Arkansas, Chicot, Poinsett, Cross and Lonoke Counties, AR, in Sub-No. 153; Port Arthur with Jefferson County, TX, in Sub-No. 189; facilities at West Memphis with West Memphis, AR, in Sub-No. 194; El Dorado with Butler County, KS, in Sub-No. 198; facilities at St. Louis with St. Louis, MO, in Sub-No. 206; facilities at Warren County with Warren County, MS, in Sub-No. 231; Hosston with Caddo Parish, LA, El Dorado with Butler County, KS, and Port of Catoosa with Rogers County, OK, in Sub-No. 253; Port Arthur with Jefferson County, TX, and Tulsa with Tulsa County, OK, in Sub-No. 288; Little Rock with Pulaski County, AR, in Sub-No. E-3; Tulsa with Tulsa County and Enid with Garfield County, OK, in Sub-No. E-4; and Ponca City with Kay County, OK, in Sub-No. E-5; (4) change one-way to radial authority between points throughout the U.S.; and (5) remove the following restrictions: (a) in bulk, in tank vehicles in Sub-Nos. 5, 6, 23, 27, 28, 31, 35, 37, 41, 58, 67, 153, 206F, 231F, E-7, E-8, and E-9; (b) in containers in Sub-Nos. 22, 70, 72, 86, 87, 88, 91, 94, 127, 133, 189, 193, 194, 198, 207F, E-1, E-2, E-3, E-4, E-5 and E-6; (c) mixed loads in Sub-No. 72; (d) in packages in Sub-No. 88; (e) in bulk in Sub-No. 288F; and (f) originating at and destined to in Sub-Nos. 86, 127, 133 and 206F.

MC 55896 (Sub-144)X, filed May 28, 1981. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 25, 27, 28, 30, 31, 40, 50, 51, 56, 83F, 94F, 97F, 98F, 105F, 114, 124F, and 143 certificates to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 8, 10, 11, 16, 18, 20, 25, 30, 31, 40, 50, 51, 56, 83, 94, 97, 98, 105, 114, 124, and 143; (b) meats, meat products, and meat by-products to "food and related products" in Sub-No. 12; (c) brick, clay products, and refractory products to "clay, concrete, glass, or stone products" in Sub-No. 22; (d) supplies used in construction work, roofing, plasterboard, and wallboard to "building materials" in Sub-No. 28; (2) authorize service to all intermediate points along described regular routes in the lead and Sub-Nos. 8, 11, 12, 16, 18, 30, 40, 50, 83, and 94; (3) delete facilities restrictions in the lead and sub-Nos. 8,

11, 12, 17, 18, 20, 27, 30, 31, 40, 50, and 114; (4) eliminate the restrictions limiting transportation to traffic having a prior or subsequent movement by rail, or in rail TOFC service on foreign/freight forwarders bills of lading in Sub-Nos. 97 and 98; (5) remove the exceptions of service to AK and HI in Sub-No. 105; (6) eliminate the "originating at or destined to" restrictions in Sub-Nos. 17, 20, 27, 31, 50, 83; (7) broaden city-wide authority to county wide authority; Wayne, Fayette and Marion Counties for Cambridge City, Connersville, and those points within five miles of Indianapolis, IN; Wayne County, MI for those points within five miles of Detroit, in the lead; Romulus Township, with Wayne County, MI, in Sub-No. 8; Momence, IL, with Kankakee County, IL, in Sub-No. 12; Van Buren Township with Wayne County, MI, in Sub-No. 18; Toledo, OH, with Lucas County, OH, in Sub-No. 19; Burns Harbor with Porter County, IN, in Sub-No. 20; Detroit, Encorse, River Rouge, and Dearborn, MI, with Wayne County, MI, in Sub-No. 21; Mansfield, Franklin Village, and Detroit, MI, with Richland and Wayne Counties, MI; Charleston, WV, with Kanawha County, WV; Fallston, Kittanning and Bigler, PA, with Beaver, Armstrong, and Adams Counties, PA; Kankakee and St. Anne, IL, with Kankakee County, IL; Summerville, Lewis Run, Eastvale, Darlington and Bessemer, PA, with Jefferson, McKean, Beaver and Lawrence Counties, PA; Fairdale, KY, with Jefferson County, KY; Chicago, and Granite City, IL, with Cook and Madison Counties, IL; Franklin, MI, with Oakland County, MI, in Sub-No. 22; Toledo, OH, with Lucas County, OH, in Sub-No. 25; Detroit, Port Huron, Romulus and Monroe, MI, with Wayne, Monroe, and St. Clair Counties, MI, in Sub-No. 28; Sterling Township with Macomb County, MI, in Sub-No. 30; Winchester, KY, with Clark County, KY, in Sub-No. 31; Romeo, MI, with Macomb County, MI, in Sub-No. 40; Lemont, Pekin, Lowell, Grayslake, Sheridan, Wedron, Triumph, and Utica, IL, with St. Clair, Tazewell, and La Salle Counties, IL; Dayton and Wilson, IL, with La Salle and Livingston Counties, IL; Robertson, MO, with St. Louis County, MO; Burnside, La Crosse, and Ferris, IL, with Hancock County, IL; Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis and Whitefish Bay, WI, with Milwaukee County, WI; Lake Bluff, Lake Forest, Highwood, Highland Park, Glencor, Winnetka, Kenilworth, Wilmette and Evanston, IL, with Lake and Cook Counties, IL; Franksville, WI, with Racine County, WI; Whiting, Indiana

Harbor, East Chicago, and Hammond, IN, with Lake County, IN; North Aurora, Mooschart and Batavia, IL with Kane County, IL; Naperville, Lisle, Downers Grove, Westmont, Hinsdale, Western Spring, La Grange, Warrenville, West Chicago, Wheaton, Glen Ellyn, and Lombard, with Cook and Du Page Counties, IL; Peoria, IL, with Peoria County, IL; Rookfield and Jackson, WI, with Washington County, WI, in Sub-No. 50; Toledo, OH, with Lucas County, OH, in Sub-No. 51; Niles, OH, with Trumbull County, OH in Sub-No. 56; Edgerton, WI, with Rock County, WI, in Sub-No. 83; Franklin, IN, with Johnson County, IN, in Sub-No. 94; Chicago, IL, with Cook County, IL, in Sub-No. 97; Hartford City, IN, with Blackford County, IN, and Cincinnati, OH, with Hamilton County, OH, in Sub-No. 98; Keokuk, IA, with Lee County, IA, in Sub-No. 105; Chicago, IL, with Cook County, IL, and Cincinnati, OH, with Hamilton County, OH, in Sub-No. 114; Chicago, IL, with Cook County, IL, in Sub-No. 124; (8) authorize service at ports of entry on the US-Canada Boundary line in MI, in place of ports of entry on the Boundary line at Sault Saint-Marie, MI, in Sub-No. 22; (a) delete commodity restrictions such as "except in bulk" and the carriage of specified commodities in Sub-No. 22, 27, 28, 50; (10) remove the restriction against service to Chicago for traffic other than that moving from or to Chicago in Sub-No. 50, sheet No. 16; (11) authorize radial authority in lieu of existing one-way authority between numerous combinations of States throughout the U.S. in Sub-Nos. 17, 19, 22, and 25.

MC 61979 (Sub-14)X, filed May 20, 1981. Applicant: Y & T TRUCKING, INC., 48 Pollock Avenue, Jersey City, NJ 07305. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9, 12 and 13 permits to (a) broaden the commodity descriptions from silicate of soda to "chemicals and related products and clay, concrete, glass and stone products"; from materials, supplies and equipment used in the manufacture of silicate of soda to "materials, supplies and equipment used in manufacture and distribution of chemicals and related products and clay, stone, glass and concrete products"; and from empty silicate of soda containers to "containers", in its lead; from chemicals to "chemicals and related products" in Sub-Nos. 12 and 13; (b) eliminate the restriction in containers, in bulk, in bulk in tank trucks or tank vehicles, in its lead and Sub-Nos. 9, 12 and 13; and (c) change

territorial scope to between points in the U.S. under continuing contract(s) with unnamed shippers in the lead and named shippers in Sub-No. 9, 12 and 13.

MC 69492 (Sub-78)X, filed May 11, 1981. Applicant: HENRY EDWARDS TRUCKING COMPANY, INC., P.O. Box 97, Clinton, KY 42031. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Applicant seeks to (A) remove restrictions in its lead and Sub-Nos. 15, 16, 18, 19, 20, 23, 25, 26, 31, 33, 34, 36, 38, 41, 43, 44, 46, 48, 50, 51, 54, 56, 57, 58, 60, 62, 63, 67F, 72F and 74F certificates to (1) broaden the commodity description in its regular-route authority to remove all restrictions in its general commodity authority except "classes A and B explosives" in its lead and Sub-Nos. 16, 26, 33, and 50 certificates; (2) authorize service in connection with its regular route operations at all intermediate points in (a) lead certificate between Clinton, KY and St. Louis, MO; between Evansville, IN and Clinton, KY, (b) Sub-No. 19 between Belleville, IL and Jackson, TN; between Union City, TN and Jackson, TN, (c) Sub-No. 50 between Memphis, TN and Clinton, KY; (3) change one-way to radial authority in (a) lead certificate between Clinton, KY and Evansville, IN, (b) Sub-No. 19 between Belleville, IL and Jackson, TN; (4) broaden the commodity description from malt beverages in Sub-No. 19 to "food and related products"; (5) remove the restrictions limiting transportation to traffic delivered to, or received from, connecting carriers and against transportation of traffic originating at, destined to or interchanged at Mayfield, KY, Memphis, TN and St. Louis, MO or points within their commercial zones in Sub-No. 16; (6) in Sub-No. 50 remove originating at, destined to or interlined restrictions between Memphis, TN, on the one hand, and, on the other, Union City, TN, Paducah, KY and St. Louis, MO-East St. Louis, IL and points in their commercial zones; and remove the restriction against service to that part of the commercial zone of Memphis, TN which lies outside of Tennessee, (7) change one-way authority to radial authority in lead certificate and Sub-No. 19; applicant seeks (B) to remove restrictions in its irregular route authority by (1) broadening its commodity descriptions from (a) malt beverages in lead certificate and Sub-Nos. 15, 19, 43, 44, 48, 51, 54, 57, 58, 60, 62 and 74F to "food and related products", (b) malt beverages and related advertising materials in Sub-Nos. 20, 25, 31, 38 and 72F to "food and related products", (c) empty malt beverage containers in its lead certificate and

Sub-No. 15 to "metal, clay, concrete, glass or stone products", (b) animal and poultry feed in its lead certificate to "such commodities as are dealt in or used by farms", (e) animal fats in bulk, in tank vehicles in its lead certificate to "commodities in bulk", (f) fruits and vegetables in its lead certificate to "farm products", (g) new furniture in lead certificate to "furniture and fixtures", (h) livestock in its lead certificate to "farm products", (i) animal feed, poultry feed, feed ingredients and insecticides in Sub-No. 18 to "such commodities as are dealt in or used by farms", (j) feed, feed ingredients, and insecticides in Sub-Nos. 23 and 48 to "such commodities as are dealt in or used by farms", (k) paper and paper products in Sub-No. 34 to "pulp, paper and related products", (l) aluminum extrusions in Sub-No. 36 to "metal products", (m) feed and feed ingredients in Sub-No. 38 to "such commodities as are dealt by farms", (n) lime, in bulk, in dump vehicles in Sub-Nos. 41 and 44 to "such commodities as are dealt in or used by farms", (o) wheat products, bran and shorts in bags in Sub-No. 43 to "such commodities as are dealt in or used by farms"; and lime, in bulk, in dump vehicles to "such commodities as are dealt in or used by farms", (p) fertilizer (except in tank vehicles) in Sub-No. 46 to "such commodities as are dealt in or used by farms", (q) rubber, rubber products and such other commodities as are manufactured or dealt in by rubber manufacturers in Sub-No. 56 to "rubber and plastic products and such other commodities as are manufactured or dealt in by rubber manufacturers", (r) general commodities with exceptions, to "general commodities (except Classes A and B explosives)", (s) scrap paper and scrap cardboard in Sub-No. 72F, to "pulp, paper and related products"; (2) change the territorial description to permit radial authority in all parts of its lead certificate and Sub-Nos. 15, 20, 23, 25, 31, 34, 36, 38, 41, 43, 44, 46, 48, 51, 54, 56, 57, 58, 60, 62, 67F and 74F; (3) broaden facilities or city-wide authority to county-wide authority in (a) lead certificate from Hornbeck, TN, to Obion County, TN; from points within three miles of Pryorsport to Graves County, KY; from Logansport to Cass County, IN; from Humboldt and Dyersburg to Gibson, Crockett and Dyer Counties, TN; (6) Sub-No. 15 from Jackson and Union City to Madison and Obion Counties, TN, (c) Sub-No. 18 from Tiptonville and Ridgely, TN to Lake County, TN, from Murray, Lynn Grove and Clinton to Calloway and Hickman Counties, KY, (d) Sub-No. 20 from Woodland Mills to Obion County, TN,

(e) Sub-No. 23 from Vandalia, IL and Clinton, KY to Fayette County, IL and Hickman County, KY, (f) Sub-No. 25 from Union City, TN and Dresden, TN to Obion and Weakley Counties, TN, (g) Sub-No. 26 from Arlington and Clinton to Carlisle and Hickman Counties, KY, (h) from Clinton, KY and Union City, TN to Hickman County, KY and Union County, TN; and from Dyersburg to Dyer County, TN, (i) Sub-No. 34 from facilities at Wickliffe to Ballard County, KY, (j) Sub-No. 36 from Union City, TN and Pinckneyville, IL to Obion County, TN and Perry County, IL, (k) Sub-No. 38 from Jackson to Madison County, TN; and from Clinton, KY and Decatur, IL to Hickman County, KY and Macon County, IL, (l) Sub-No. 41 from Jonesboro, IL and Clinton and Cayce, KY to Union County, IL and Hickman and Fulton Counties, KY, (m) Sub-No. 43 from Dyersburg, Dresden and Jackson to Dyer, Weakley and Madison Counties, TN; from Woodland Mills to Obion County, TN; from Fort Wayne to Allen County, IN; from Martin to Weakley County, TN; from Teutopolis to Effingham County, IL; from Clinton to Hickman County, KY; and from Jonesboro to Union County, IL, (n) Sub-No. 44 from Dresden, Dyersburg and Jackson to Weakley, Dyer and Madison Counties, TN; and from Martin to Weakley County, TN; and from Jonesboro to Union County, IL, (o) Sub-No. 46 from Humboldt to Gibson County, TN, (p) Sub-No. 48 from Blytheville and Helena to Mississippi and Phillips Counties, AR; and from Fancy Farm and Folsomdale, to Graves County, KY, (q) Sub-No. 51 from Jackson, Dresden and Dyersburg to Madison, Weakley and Dyer Counties, TN; and remove the restriction limiting transportation to traffic originating at facilities at San Antonio, TX, (r) Sub-No. 54 from Jackson to Cape Girardeau County, MO; and from Martin to Weakley County, TN; and from Hopkinsville and Paducah to Christian and McCracken Counties, KY, (s) Sub-No. 56 from facilities at Mayfield to Graves County, KY; and from facilities at Union City, TN to Obion County, TN, (t) Sub-No. 57 from Woodland Mills, TN and Marston, MO to Obion County, TN and New Madrid County, MO, (u) Sub-No. 60 from LaCrosse, WI and Flat River, MO to LaCrosse County, WI and St. Francois County, MO, (v) Sub-No. 62 from Ft. Wayne, IN, Paducah, KY and Cairo, IL to Allen County, IN, McCracken County, KY and Pulaski County, IL, (w) Sub-No. 63F from Hickman to Fulton County, KY, (x) Sub-No. 67 from facilities at or near Mayfield to Graves County, KY; and from Waco

to McLennon County, TX, (y) Sub-No. 72F from Hopkinsville and Paducah to Christian and McCracken Counties, KY; from Paris and Woodland Mills to Henry and Obion Counties, TN; and from Eden to Rockingham County, NC, (z) Sub-No. 74F from Cairo and Metropolis to Alexander and Massac Counties, IL; (4) remove restrictions in Sub-No. 48 against transportation of dry phosphatic animal and poultry feed ingredients and blends thereof originating at the facilities at or near Memphis, TN; (5) remove the restriction in Sub-No. 63F limiting transportation to traffic having a prior or subsequent movement by water; (6) remove the restriction in Sub-No. 18 against the movement of (a) traffic between St. Louis, MO, and points within the St. Louis, MO-East St. Louis, IL, Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Memphis, TN, and points in the commercial zone thereof, and (b) traffic received from, or delivered to, connecting carriers at St. Louis and Memphis, or at points within the commercial zones of those cities; from its authority between 6 TN and KY cities; (7) remove the restriction (a) in Sub-No. 50 against service to that part of the commercial zone of Memphis which lies outside of Tennessee, and against the handling of traffic which originates at, is destined to, or is interlined at Memphis, and points in its commercial zone, on one hand, and, on the other, that which originates at, is destined to, or is interlined at Union City, TN, and Paducah, KY, and points in their respective commercial zones, as defined by the Commission, and St. Louis, MO, and points in the St. Louis, MO-East St. Louis, IL, commercial zone, as defined by the Commission; and (b) in Sub-No. 51 limiting transportation to traffic originating at the named facilities; and (8) remove the exclusion of that portion of the Memphis, TN Commercial Zone in MS and AR from authority to serve Memphis in Sub-No. 26.

MC 99888 (Sub-8)X, filed May 20, 1981. Applicant: MAYFIELD TRANSFER CO., INC., 3200 West Lake St., Melrose Park, IL 60160. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 3, 4, 5, and 7F certificates to (1) broaden its commodity descriptions: in Sub-No. 1, to "food and related products, and advertising and display material incidental and pertaining to the sale and distribution thereof", from candy, gum, confectionery products, and advertising and display material incidental and pertaining to the sale and distribution

thereof; and in Sub-Nos. 2, 3, 4, 5, and 7F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); and (2) remove the restrictions against the transportation of candy, gum, confectionery products, and related advertising material between portions of IL from its general commodity authority in Sub-No. 3.

MC 106920 (Sub-134)X, filed May 19, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 106F certificate to (1) broaden the commodity description in part (1) to "chemicals and related products, rubber and plastic products, metal products, coal and coal products, petroleum, natural gas and their products and food and related products" from chemicals, cleaners, scouring compounds, lubricants and foodstuffs; and (2) replace New Bremen, OH, with authority to serve Auglaize County.

MC 109019 (Sub-1)X, filed May 18, 1981. Applicant: MATHEW ANDRUK, d.b.a. MATTY'S TRUCKING, 24-19 81st Street, Jackson Heights, NY 11372. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. Applicant seeks to remove restrictions in its lead permit to (1) broaden its commodity description from lumber, sheet-rock, panels, celotex, shingles, sashes, doors, trim, door and window frames and moulding, to "building materials"; and (2) broaden its territorial description to between points in the U.S., under continuing contract(s) with unnamed shippers.

MC 114045 (Sub-582)X, filed May 26, 1981. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 479, 486, 503F, 511F, 534F, 561F, 566F, 572F, and 122 certificates to (1) broaden the commodity descriptions from (a) paper and paper products to "pulp, paper, and related products" in Sub-No. 479; (b) chemicals, drugs, medicines, toilet preparations, acids, and solvents, to "chemicals and related products" in Sub-Nos. 486, 511, and 534; (c) foodstuffs, alcoholic liquors to "food and related products" in Sub-Nos. 122, 503, and 561; (d) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 572; (2) delete

an "except in bulk" and vehicle restrictions in Sub-Nos. 122, 479, 486, 503, 511, 534; (3) delete plantsite restrictions in Sub-Nos. 122, and 486; (4) remove "originating at or destined to" restrictions in Sub-Nos. 122, 486, and 503; (5) broaden cities to counties: New Albany, IN, with Delaware County, IN, in Sub-No. 122; Corinth to Saratoga County, NY in Sub-No. 479; Plainfield, to Will County, IL, in Sub-No. 561; (6) eliminate the exception of service to AK and HI in Sub-No. 572; and (7) authorize radial service in lieu of one-way authority between the counties named above and points throughout the U.S. in Sub-Nos. 122, 486, 503, 511, 534, 566, and 572.

MC 124170 (Sub-168)X, filed May 29, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks in its Sub 104F certificate to (A) broaden the commodity descriptions to "food and related products" from (1) bananas and (2) agricultural commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle with bananas and (B) expand one way authority to radial authority between New York, NY, and Philadelphia, PA, on the one hand, and, on the other, points in IL, IN, KY, OH, and PA.

MC 125168 (Sub-29)X, filed May 18, 1981. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-Nos. 2, 9, 16, 19, 20, 21, 22 and 28 permits to (1) broaden the commodity description from lubricating oil in its Sub-No. 2, petroleum products in its Sub-No. 9, petroleum oils and petroleum oil additives in its Sub-No. 16, petroleum oils, petroleum wax, and petroleum oils and wax in its Sub-No. 19, petroleum and petroleum products (except petrochemicals) in its Sub-No. 20, petroleum oils in its Sub-No. 21, petroleum products in its Sub-No. 22, and petroleum products (except petrochemicals), and petroleum products (except petrochemicals and petroleum wax) in its Sub-No. 28 to "petroleum, natural gas and their products" (2) remove in bulk, in tank vehicle restrictions wherever they appear; and (3) to broaden its territorial description in its Sub-Nos. 2, 9, 16, 19, 20, 21, 22 and 28 permits to between points in the United States, under continuing contract(s) with a named shipper.

MC 136146 (Sub-3)X, filed May 11, 1981. Applicant: EMPIRE WAREHOUSE, INC., 3141 South Platte River Drive, Englewood, CO 80110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from foodstuffs to "food and related products" and (2) remove the exception of fresh and frozen meat and meat products.

MC 139006 (Sub-29)X, filed May 20, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3F, 4F, 8F, 11F, 12, 14F, 15F, 16F, 17F, 18F, 19, 20F, 21F, 22F, and 23F certificates to (1) broaden the commodity description: in the lead and Sub-Nos. 22F and 23F, to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); in Sub-Nos. 1, 8F, and 11F, to "lumber and wood products," from whiskey barrels, used or returned shipments of whiskey barrels, wooden barrels, and wooden barrels, set up; in Sub-Nos. 4F and 21F, to "food and related products", from malt beverages and malt beverages, in containers; in Sub-Nos. 12, 14F, 15F, 17F, 18F, and 20F, to "food and related products, and materials, equipment and supplies used in the manufacture or distribution thereof", from alcoholic beverages, and such commodities as are dealt in or used by manufacturers or distributors of alcoholic beverages, liquors and wines (with exceptions); in Sub-No. 16F, to "containers", from glass containers; in Sub-No. 19 part (1)(a), to "furniture and fixtures", from furniture parts, and in part (1)(b) to "primary metal products", from iron and steel articles; and in Sub-No. 3F, remove the in bulk exceptions; (2) replace cities and facilities with county-wide authority: in Sub-No. 1, Lynchburg, TN, with Moore County, TN; in Sub-Nos. 3F and 4F, Bardstown, KY, with Nelson County, KY; in Sub-No. 8F, Overpeck, OH, and Tullahoma, TN, with Butler County, OH, and Coffee County, TN; in Sub-No. 15F, Bardstown, KY, and Plainfield, IL, with Nelson County, KY, and Will County, IL; in Sub-No. 16F, Lincoln, IL, with Logan County, IL; in Sub-No. 17F, Loretto, KY, with Marion County, KY; in Sub-No. 20F, Bardstown, Frankfort, and Loretto, KY, Schenley, PA, and Tullahoma, TN, with Nelson, Franklin, and Marion Counties, KY, Armstrong County, PA, and Coffee County, TN; and in Sub-No. 21F, facilities at or near Detroit, MI and

Perrysburg, OH, with Detroit, MI and Wood and Lucas Counties, OH; (3) change its one-way to radial authority between several specified cities, counties, and States in the U.S., in Sub-Nos. 1, 3F, 4F, 8F, 11F, 16F, 17F, 18F, 20F, and 21F; and (4) eliminate: in the lead, the restriction limiting service at Bardstown to the transportation of shipments received from or delivered to connecting carriers; in Sub-No. 1, the restrictions against service in Buffalo, NY, Akron, Cincinnati, Cleveland, Columbus, and Dayton, OH, Erie, PA, and Benton Harbor and Fennville, MI; in Sub-No. 3F, the originating at or destined to restriction; in Sub-No. 12, the restriction against the transportation of traffic from Peoria, IL, and Scobeyville, NJ, to points in MN and those in WI on and north of U.S. Hwy. 151; and in Sub-Nos. 19 and 22F, the AK and HI exceptions.

MC 139906 (Sub-161)X, filed May 18, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions from its certificate to: (1) replace facilities limitations at Baytown (Eldon), Borger, and Marble Falls, with Harris, Hutchinson, and Burnett Counties, TX; Havre De Grace, with Harford County, MD; Compton with Los Angeles County, CA; Edison with Middlesex County, NJ; Etowah with McMinn County, TN; Fort Dodge with Webster County, IA; Graniteville and Langley with Aiken County, SC; Hubert and Wrens with Twiggs and Jefferson Counties, GA; McCook and Quincy with Cook and Adams Counties, IL; Carthage with Jasper County, MO; and Westwood with Norfolk County, MA; (2) remove all exceptions except classes A and B explosives from its general commodities authority; and (3) remove the "AK and HI" exceptions.

MC 143591 (Sub-4)X, filed May 19, 1981. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, MN 56258. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from agricultural chemicals (except sulphur limestone, and commodities in bulk, in tank vehicles), to "chemicals and related products" in its radial authority between a named MN county and points in IA and SD.

MC 144598 (Sub-4)X, filed May 18, 1981. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro, ME

04962. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 3F certificates to (1) change the commodity descriptions (a) in Sub-No. 1F, from foodstuffs to "food and related products"; and (b) in Sub-No. 3F, from such merchandise as is dealt in by grocery stores and discount houses to "such commodities as are dealt in and distributed by wholesale, retail and chain grocery stores and food business houses and discount houses"; (2) delete restrictions on commodities, such as "except in bulk and tank and hopper-type containers"; (3) remove the "originating at and destined to" restriction in Sub-No. 1F; (4) in Sub-No. 1F, change Winterport, ME to Waldo County, ME; and (5) authorize radial service between specified points in several eastern States.

MC 147896 (Sub-7)X, filed May 18, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenmen, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, and 5F permits to (1) broaden the commodity description from floor covering products to "floor covering and related products" in Sub-No. 1F; from candles, candles in glass, candle sets and candle holders to "candles and related products" in Sub-No. 2F; and from Solvents and chemicals (except commodities in bulk) to "chemicals and related products" in Sub-No. 3F; and (2) broaden the territory description in all the above Sub-Nos. to between points in the U.S. under continuing contract(s) with named shippers.

MC 147909 (Sub-1)X, filed May 18, 1981. Applicant: CENTURY LINES, INC. 3725 Lakeside Ave., Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 88 E. Broad St. Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate to (1) remove all exceptions from its general commodities authority except "classes A and B explosives" (2) remove the restrictions limiting transportation to traffic in intermodal containers or in trailers, and (3) remove the restrictions to movement of traffic having a prior or subsequent movement by water or rail.

MC 149472 (Sub-5)X, filed May 26, 1981. Applicant: INTER-COASTAL, INC. 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, Barry d. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions

in its permits Nos. MC-139078 and MC-139078 (Sub-No. 8) and permit Nos. MC-145763 (Sub-Nos. 1F and 4F) to (1) broaden the commodity description from empty containers and plastic containers to "metal products and rubber and plastic products," in its lead and Sub-No. 1; from foodstuffs and food curing and preserving compounds (except in bulk, in vehicles requiring mechanical refrigeration) to "food and related products," in its Sub-No. 4; and (2) to broaden its territorial description in its lead, Sub-Nos. 1 and 4, to between points in the United States, under continuing contract(s) with named shippers.

MC 150496 (Sub-16)X, filed May 18, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. box 188, Tontitown, AR 72770. Applicant seeks to remove restrictions in its sub-No. 3 certificate to (1) replace one-way authority with radial authority between AR, MS, MO, and OK, and points in the U.S., and (2) remove the exception of AK and HI.

MC 152337 (Sub-4)X, filed May 11, 1981. Applicant: CENTRAL STATES TRUCKING CO., 1311 South First Avenue, Maywood, IL 60153. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (a) remove the exceptions from its general commodity authority except classes A and B explosives; and (b) delete the restriction to traffic having a prior or subsequent movement by rail.

[FR Doc. 81-10909 Filed 6-5-81; 9:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Laramie County Liquor Dealers Association; Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement have been filed with the United States District Court for the District of Wyoming in *United States v. Laramie County Liquor Dealers Association*, Civil No. C80-0239.

The complaint in this case alleged that the Association conspired to fix, raise, maintain, and stabilize prices of beer, wine and liquor sold to customers of

Association members in violation of Section 1 of the Sherman Act.

The proposed Final Judgment prohibits the Association from fixing or establishing prices; from preparing or distributing price lists; from contacting any person who sells beer, wine or liquor because of the prices charged by that person; and from attempting to enforce any price or price list.

The proposed Final Judgment requires the Association to distribute copies of the Judgment to its members, present and future, and to all other retail liquor dealers to whom it provided price lists. It also requires the Association to hold a meeting in 1981 at which the Final Judgment is to be explained by an attorney to the retail liquor dealers of Laramie County. The proposed Final Judgment further requires the Association to direct its members to independently recompute their current prices.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102.

Joseph H. Widmar,
Director of Operations.

United States District Court—District of Wyoming

United States of America, plaintiff, v. Laramie County Liquor Dealers Association, an unincorporated association, defendant. Civil No. C80-0239.

Filed: May 29, 1981.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16], and without further notice to any party or any other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendant in this or any other proceeding.

Dated:

For the Plaintiff, United States of America:
William F. Baxter, *Assistant Attorney General*; Joseph H. Widmar, Anthony E. Desmond, *Attorneys, Department of Justice*; /s/ Tosh Suyematsu, *United States Attorney*; Gary R. Sprattling, Christopher S. Crook, *Attorneys, Department of Justice*.

For the Defendant, Laramie County Liquor Dealers Association: Louis A. Mankus, *Attorney, Laramie County Liquor Dealers Association*.

United States District Court—District of Wyoming

United States of America, Plaintiff, v. Laramie County Liquor Dealers Association, an unincorporated association, Defendant. Civil No. C80-0239 Final Judgment.

Filed: May 29, 1981.

Plaintiff, United States of America, having filed its complaint herein on August 11, 1980 and the defendant, by its attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

Now, therefore, without any adjudication of any issue of fact or law herein, and upon the consent of both parties hereto, it is hereby Ordered, adjudged and decreed:

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Compliant states claims upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II.

As used in this Final Judgment:

(A) "Person" shall mean any individual, sole proprietorship, partnership, firm, association, corporation or other business entity;

(B) "Price list" means any list of retail prices charged or to be charged for liquor, or showing a range of retail prices to be charged or a method for charging retail liquor prices;

(C) "Liquor" means all alcoholic beverages for human consumption including wine, beer and spirits.

III.

The provisions of this Final Judgment are applicable to the defendant and also apply to each of defendant's officers, directors, agents, employees, successors and assigns, and members and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV.

Defendant is enjoined and restrained from:

(A) Fixing, establishing, maintaining or stabilizing any price for the sale of liquor;

(B) Advocating, suggesting, urging, advising, inducing or recommending that any person who sells liquor adhere to or otherwise base its liquor prices on any particular price list;

(C) Adopting, preparing, formulating, suggesting, publishing or distributing any price list;

(D) Adhering to, maintaining, or enforcing any price list or price to be charged for the sale of liquor;

(E) Making any individual contact, devising or putting into effect any procedure, or taking any action with reference to a person who sells liquor because of the prices charged for liquor by that person;

(F) Communicating to or exchanging with any person who sells liquor any information concerning actual or proposed prices for liquor, or price changes, discounts, delivery charges, or other terms and conditions of sale at which liquor is to be, or has been sold.

V.

(A) Defendant, Laramie County Liquor Dealers Association, shall direct its members, and all other persons to whom it or its members have distributed or provided price lists, at any time, to destroy all such price lists.

(B) Defendant, Laramie County Liquor Dealers Association, shall direct all of its members to independently and individually review and recompute their current prices and discounts for the sale of liquor based on current wholesale costs and market conditions, without reference to and without regard for any price lists distributed or provided at any time by said defendant or any other liquor dealer.

(C) Defendant's President, Robert L. McMurray, and its former Vice-President, Milton L. Nation, shall reduce to writing the result of their independent review and recomputation required by paragraph (B) of this Section, including a full explanation of the methodology employed by them, and shall mail or deliver the same to this Court, with a copy to plaintiff, within ninety (90) days after the entry of this Final Judgment, to be filed by the Clerk of the Court under seal, unavailable to the public except upon order of this Court.

(D) Defendant, Laramie County Liquor Dealers Association,

(1) shall within sixty (60) days after the date of entry of this Final Judgment, send a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, to each licensed liquor dealer in Laramie County, Wyoming;

(2) shall serve a copy of this Final Judgment together with a letter identical in text to that attached to this Final Judgment as Appendix A, upon all of its future members as they become members; and

(3) shall file with this Court and serve upon the plaintiff within ninety (90) days after the date of entry of this Final Judgment an affidavit as to the fact and manner of compliance with subsections (A), (B), and (D)(1) of this Section V.

(E) Defendant, Laramie County Liquor Dealers Association, shall conduct at least one meeting during 1981 to which it invites all of its members and all other licensed liquor dealers in Laramie County, during which meeting an attorney retained by defendant will explain this Final Judgment to the persons present and will also explain the

applicability of federal and state (Wyoming) antitrust laws to the sale and distribution of liquor in Wyoming. Reasonable notice of the above-described meeting will be provided to plaintiff, who through its attorneys may attend the meeting to insure compliance with this provision.

VI.

Jurisdiction is retained by this Court for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

VII.

This Final Judgment shall be in full force and effect for a period of ten (10) years following entry of this decree.

VIII.

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge

Appendix A

Dear Sir: This letter and the enclosed Final Judgment are being sent to you as part of the settlement of a lawsuit brought by the United States against the Laramie County Liquor Dealers Association (*United States v. Laramie County Liquor Dealers Association*, Civil No. C80-0239). You should read the Final Judgment carefully and note that you, as an individual, under certain circumstances are bound by its provisions. The purpose of this letter is to help explain the provisions in the Final Judgment.

The essence and intent of the Final Judgment is that the Laramie County Liquor Dealers Association may not in any way prepare, publish, adopt, distribute, suggest, recommend, advocate or enforce any form of price list. The principal purpose of the Judgment is to prohibit the Association and its members from engaging in any joint activity concerning the prices to be charged for liquor, which includes beer, wine and spirits. Under the law and this Judgment, you or your retail liquor store must set your own prices for liquor (beer, wine and spirits) independently without consultation or agreement with the Association or any of its officers or members, or any other retail liquor dealer. You should review your current prices and discounts and recompute them without regard to any price lists prepared, suggested, or recommended by the Association or its officers or members and without consultation with any other retail liquor dealer.

If you have any price lists prepared, suggested, or recommended by the Association or its officers or members, you must destroy all such price lists.

United States District Court—District of Wyoming

United States of America, plaintiff v. Laramie County Liquor Dealers Association, an unincorporated association, defendant. Civil No. C80-0239.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I.

Nature of the Proceeding

On August 11, 1980, the United States filed a civil Complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that defendant, Laramie County Liquor Dealers Association (defendant Association), and unnamed co-conspirators, had engaged in a combination and conspiracy to fix, raise, maintain, and stabilize the prices of beer, wine, and liquor sold to customers of Association members. The Complaint asks the Court to find that the defendant has violated Section 1 of the Sherman Act (15 U.S.C. 1) and further requests the Court to enjoin the continuance of the conspiracy.

II.

Practices Giving Rise to the Alleged Violation

Defendant is an unincorporated association whose members are retail liquor dealers located in Laramie County, Wyoming. The Government contends and was prepared to show at trial that beginning at least as early as 1968 and continuing to the date of the filing of the Complaint (August 11, 1980) that defendant prepared, published and distributed suggested retail price lists for beer, wine and liquor. These price lists were distributed both to members of the defendant and to other retail liquor dealers in Laramie County. The price lists were prepared at defendant's expense, with dues collected from defendant's members, and were usually revised and distributed several times each year. The Government was further prepared to show at trial that the price lists were used by retail liquor dealers who were members of the defendant Association to establish their prices and that defendant prepared and published the price lists with the intent and knowledge that the price lists would be used by its members and other retail liquor dealers in establishing their prices for beer, wine and liquor sold in Laramie County.

According to the Complaint, the practices described above have had the following effects: (a) price competition in the sale of beer, wine and liquor in Laramie County has been restrained; (b) prices for beer, wine and liquor sold to customers of defendant Association's members and co-conspirators have been artificially fixed, raised, maintained and stabilized; (c) customers of defendant Association's members and co-conspirators have been deprived of the opportunity to purchase beer, wine and liquor in an open and competitive market; and (d) competition between and among defendant

Association's members and co-conspirators in the sale of beer, wine and liquor has been restrained.

III.

Explanation of the Proposed Consent Judgment

The United States and defendant Laramie County Liquor Dealers Association have agreed that the proposed Final Judgment, which is in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment provides that there has been no admission by anyone with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of this Final Judgment by the Court is conditioned upon a determination that the proposed judgment is in the public interest.

The proposed Final Judgment will prohibit the Laramie County Liquor Dealers Association from fixing or establishing prices and from suggesting, urging, inducing or recommending that any person who sells beer, wine or liquor, adhere to or otherwise base its prices on any price list (Sections IV(A) and (B)). The defendant Association will be prohibited from preparing, publishing, or distributing any price lists for beer, wine or liquor (Section IV(C)). The defendant Association is also prohibited from contacting persons who sell beer, wine or liquor with reference to the prices charged by that person and from attempting to enforce any price or price list (Sections IV(D) and (E)). The defendant Association is further prohibited from communicating or exchanging with any person who sells liquor information about prices or proposed prices (Section IV(F)).

In order to help put into effect the provisions of Section IV of the proposed Final Judgment, defendant Association is required to direct its members and other persons to whom it distributed price lists (1) to destroy all such price lists (Section V(A)), and (2) to independently and individually review and recompute their current prices without reference to defendant's or anyone else's price list (Section V(B)). The proposed Final Judgment also requires that defendant's President and former Vice President submit the results of their individual recomputations to the Court (Section V(C)). The defendant Association is further required to provide the Final Judgment to each licensed liquor dealer in Laramie County, as well as to all future members of defendant Association, and to have the Final Judgment explained to its members by an attorney at an Association meeting held in 1981 (Sections V(D) and (E)).

The proposed Judgment is designed to prevent any recurrence of the activities alleged in the Complaint. The provisions in the proposed judgment are intended to ensure that future retail beer, wine and liquor prices in Laramie County are determined by the individual decision of each retail liquor dealer without consultation with defendant Association or any other retail liquor dealer. The provisions of the Final Judgment will be in effect for a period of ten years.

IV.

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial costs to the United States and is not warranted since the proposed Final Judgment provides the relief that the United States sought in its Complaint.

V.

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Under the provisions of Section 5(a) (15 U.S.C. 16(a)), this Final Judgment has no *prima facie* effect in the lawsuits which may be brought against the defendant.

VI.

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, California 94102, within the 60-day period provided by the Act. The comments and the Government's responses to them will be filed with the Court and published in the *Federal Register*. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of the judgment is necessary to the public interest. The proposed judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification or enforcement of the judgment.

VII.

Determinative Document

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) were considered in formulating this proposed judgment.

Dated:

Gary R. Sprating,
Christopher S. Crook,

Attorneys, U.S. Department of Justice.

[FR Doc. 81-16013 Filed 6-5-81; 8:45 am]

BILLING CODE 4410-01-M

Federal Bureau of Investigation**Advisory Policy Board of the National Crime Information Center; Meeting**

The Advisory Policy Board of the National Crime Information Center (NCIC) will meet on June 17 and June 18, 1981, from 9:00 a.m. until 5:00 p.m. at the Red Lion Inn, 29th and Chinden Boulevard, Boise, Idaho.

The major topics to be discussed include:

(1) Status of implementation of the Interstate Identification Index Pilot Project.

(2) NCIC access by campus police agencies, railroad police agencies and regional communication centers.

(3) Reorganization of the NCIC Boat File.

(4) The presentation of proposals recommended by local and state users of the NCIC System and the quality of records within the System.

The meeting will be open to the public with approximately 45 seats available for seating on a first-come first-served basis. Any member of the public may file a written statement with the Advisory Policy Board before or after the meeting. Anyone wishing to address a session of the meeting should notify the Advisory Committee Management Officer, Mr. W. A. Bayse, FBI, at least twenty-four hours prior to the start of the session. The notification may be by mail, telegram, cable or hand-delivered note. It should contain the name, corporate designation, consumer affiliation or Government designation, along with a capsulized version of the statement and an outline of the material to be offered. A person will be allowed not more than 15 minutes to present a topic, except with the special approval of the Chairman of the Board.

Inquiries may be addressed to Mr. David F. Nomecek, Committee Management Liaison Officer, NCIC, Federal Bureau of Investigation, Washington, D.C. 20535, telephone number 202-324-2606.

Dated: May 31, 1981.

William H. Webster,

Director.

[FR Doc. 81-16865 Filed 6-5-81; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE**Independent Areas Task Force, Fisheries Subgroup;**

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries Subgroup of the

Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Wednesday and Thursday, June 17-18, 1981. The Subgroup will meet in Room 550, Page #2, 3300 Whitehaven St., NW, on June 17 and Room 418, Page #1, 2001 Wisconsin Ave., NW, on June 18.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Wednesday, June 17 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, June 18. Discussions with non-Federal officials on fishery issues will be conducted at this meeting. The tentative agenda is as follows:

Wednesday, June 17

Room 550, Page 2

9:00 a.m.-9:30 a.m.—Opening Remarks—Jay Lanzillo

9:30 a.m.-10:30 a.m.—Briefing by James Crutchfield, University of Washington

10:30-12:00 noon—Briefing by John Mehos, Liberty Fish Co.

12:00 noon-1:00 p.m.—Lunch

1:00 p.m.-2:00 p.m.—Briefing by Douglas Gordon, National Food Processors

2:00 p.m.-3:00 p.m.—Briefing by Lucy Sloan, National Federation of Fishermen

3:00 p.m.-4:00 p.m.—Discussion of report

Thursday, June 18

Room 418, Page 1

9:00 a.m.-10:00 a.m.—Briefing by Gilbert Radonski, Sport Fish Institute

10:00 a.m.-11:00 a.m.—Briefing

11:00 a.m.-12:00 a.m.—Briefing by Spencer Apollonio, State of Maine

12:00 noon-1:00 p.m.—Lunch

1:00 p.m.-4:00 p.m.—Discussion of report

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P.

Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW, (Suite 438, Page Building #1), Washington, DC 20235.

Stephanie M. Jones,
Administrative Assistant.

[FR Doc. 81-16867 Filed 6-5-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-53]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of amendment.

SUMMARY: In accordance with 5 U.S.C. (4314(c)(4)), this Notice amends the initial NASA Notice 81-20, Performance Review Board; Senior Executive Service, 46 FR 12169, February 12, 1981, which was subsequently amended by NASA Notice 81-31, 46 FR 20337, April 3, 1981. This notice further amends the membership of the Performance Review Board; Senior Executive Service, by adding the appointment of John E. O'Brien (Term expires July 1982) to replace Gerald J. Mossinghoff (Term expires July 1982).

DATE: Effective June 4, 1981.

ADDRESS: Executive Personnel Management Program, NPD-32, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202-755-8825.

A. M. Lovelace,
Acting Administrator.

[FR Doc. 81-16822 Filed 6-5-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION**Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting**

The ACRS Subcommittee on Class-9 Accidents will hold a meeting on June 24, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to review the research budget associated with the Severe Accident Research Program. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or

written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Wednesday, June 24, 1981, 10:00 a.m. until the conclusion of business.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant employee, Mr. David Bessette (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16872 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on June 23 and 24, 1981, at the Westbank Hotel, 475 River Parkway, Idaho Falls, ID. The Subcommittee will review the NRC Programs on Loss-of-Coolant-Accident (LOCA) and Transient Research, the LOFT Facility Research Program (Loss of Fluid Test) and will also discuss the NRC's FY 1983 Reactor Safety Research Program Budget. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the *Federal Register* on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The majority of the meeting will be open to public attendance. The Subcommittee will be considering some predecisional budget information associated with the NRC Safety Research Program Budget for FY 1983. In order to perform this review, the ACRS must be able to engage in frank discussion with members of the NRC Staff. Therefore it may be necessary to close portions of this meeting (Sunshine Act Exemption 9(B)). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Tuesday and Wednesday, June 23-24, 1981 8:00 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the

opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehner (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect 1978 NRC Authorization Act to review the NRC Research Program and Budget and to report the results of the review to Congress. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-16873 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Three Mile Island Unit 1; Meeting

The ACRS Subcommittee on Three Mile Island Unit 1 will hold a meeting on June 25 and 26, 1981 in Room 1046, 1717 H Street, N.W., Washington, D.C. to review the restart modifications required as a result of the TMI-2 accident. Notice of this meeting was published May 19.

In accordance with the procedures outlined in the *Federal Register* on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday and Friday, June 25 and 26, 1981, 8:30 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Metropolitan Edison Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 3, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-16874 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-70]

General Electric Co., General Electric Test Reactor; Revised Notice of Availability of Applicant's Environmental Report and Notice of Intent To Publish an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, General Electric has filed an environmental report as part of their application for renewal of the operating license for General Electric Test Reactor located at the Vallecitos Nuclear Center near Pleasanton, California. The original request for renewal was submitted on October 21, 1975, and notice of Proposed Renewal of Facility License was published in the *Federal Register* on September 15, 1977 (42 FR 46427). The report, which discusses environmental considerations related to the continued operation of the facility, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the report are also being made available

at the Office of the Governor, Office of Planning and Research, 400 Tenth Street, Sacramento, CA 95814 and Association of Bay Area Governments, Hotel Claremont, Berkeley, CA 94705.

In order to determine the scope of the issues to be addressed in the EIS and to identify the significant issues related to the proposed license renewal, an open scoping meeting will be held in the Little Theatre at the Granada High School, 400 Wall Street, Livermore, CA 94550 at 9:30 a.m. on June 13, 1981.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the *Federal Register* a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will issue a final environmental statement, the availability of which will be published in the *Federal Register*.

Any questions regarding the proposed license renewal or the environmental impact statement should be addressed to James R. Miller, Chief, Standardization and Special Projects Branch, Division of Licensing, Office of Nuclear Reactor Regulation, Washington, D.C. 20555, (301) 492-7014.

This Notice revises, in its entirety, the Notice issued May 22, 1981 and published in the *Federal Register* on May 29, 1981 (46 FR 29013).

Dated at Bethesda, Md. this 2d day of June 1981.

For the Nuclear Regulatory Commission,

James R. Miller,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 81-16875 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Regional Licensing Program; Establishment

Effective July 1, 1981, the U. S. Nuclear Regulatory Commission will establish a regional licensing program in which selected parts of its materials licensing program will be conducted at its Region I Office in King of Prussia, Pennsylvania. Licenses in the following Region I Non-Agreement States, with the exception of federal facilities within these states, will be involved in the regional licensing

program: Connecticut, Delaware, Maine, Massachusetts, New Jersey, Pennsylvania and Vermont.

The program will include (1) all licenses for medical uses of radioisotopes, except teletherapy sources and nuclear power pacemakers, (2) all academic licenses except irradiators, (3) all industrial licenses authorizing research and development and (4) licenses for industrial use of gauges (stationary and portable) and sources contained in gas chromatographs and x-ray fluorescence analyzers.

Effective July 1, 1981, all inquiries or applications for new licenses, amendments, or renewals should be sent to the following address: U.S. Nuclear Regulatory Commission, Region I Material Licensing Section, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

For further information, please contact me at 301-427-4002.

Dated at Silver Spring, Maryland this 29th day of May 1981.

For the Nuclear Regulatory Commission,

Vandy L. Miller,

Chief, Material Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 81-16876 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

Safety Goal; Extension of Period for Public Comment on Development

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of Period for Public Comment on Development of a Safety Goal.

The Nuclear Regulatory Commission hereby extends the period for public comment on development of a safety goal until June 25, 1981. Comments received after this date will be considered only to the extent practicable.

The NRC asked for public comment on documents and issues associated with the development of a safety goal and established an original deadline of May 26, 1981 for receipt of public comment (46 FR 18827, March 26, 1981). NRC had also expected to receive written and oral public comment in connection with four public meetings (46 FR 24336, April 30, 1981). These meetings were subsequently postponed. The postponement was announced in the *Federal Register* (46 FR 26721, May 14, 1981).

Because of the postponement of the public meetings and because of requests for an extension of the comment period

the NRC has decided to extend the period for written public comment until June 25, 1981.

Dated at Washington, District of Columbia this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-16077 Filed 6-5-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

June 1, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out; Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public; The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Farmers Home Administration Application for FMHA Services FMHA 410-1
On occasion
Individuals or households/farms
Farm operators and ranchers unable to obtain credit from
SIC: 011,013, 016, 017, 018, 019, 021, 024, 025, 027

Small businesses or organizations
Farm income stabilization, 218,000 responses, 109,000 hours; \$81,280
Federal cost, 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The consolidated Farm and Rural Development Act, as amended, authorizes FMHA to collect information necessary to determine applicants eligibility for the requested financial assistance.

Revisions

• Food Safety and Quality Service Regulations Governing Inspection, Certification and Standards for Fresh Fruit, Vegetables and Other Products FVQ-237, FVQ-292

On occasion
Businesses or other institutions
Processors
SIC: 964, 072

• Consumer and occupational health and safety, 81,700 responses, 4,170 hours; \$42,527 Federal cost, 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The standardization and grading programs for fresh fruits, vegetables, edible nuts, peanuts and miscellaneous related products are authorized under the Agricultural Marketing Act of 1946. Grading service is available in all shipping areas under cooperative agreements between the Department and the cooperating agencies. These regulations are necessary in order that uniformity be obtained in providing the services as required by the act.

Extensions (Burden Change)

• Economics and Statistics Service Off-Farm Stocks of Grain and Oilseed Quarterly, other—see SF 83
Businesses or other institutions
Terminal elevators and warehouses, country elevators
SIC: 422

Small businesses or organizations
Agricultural research and services, 41,900 responses, 13,827 hours;

\$335,000 Federal cost, 5 forms; not applicable under 3504(h)
 Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data to estimate quarterly off-farm stocks of major grains and oilseeds produced in the United States. Results combined with on-farm stocks (40-R0007) to estimate stocks in all positions. Farm legislation requires Secretary of Agriculture to consider carryover stocks relative to the Department's export-import program.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals 202-377-3627

New

• National Oceanic and Atmospheric Administration
 Foreign Fishing: Northeast Pacific Ocean
 On occasion
 Businesses or other institutions
 Foreign fishing vessels
 Small businesses or organizations
 Other natural resources, 6,600 responses, 1,650 hours; 1 form; not applicable under 3504(h)
 William T. Adams, 202-395-4814

Day-to-day management of foreign fishing operations across the west coast. Monitors catch so that overfishing will be prevented and fees required under 50 CFR 611.20 can be assessed.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Educational Research and Improvement
 Residential and Migration of College Students, Fall 1981
 ED (NCES) 2300-2.8
 Biennially
 Businesses or other institutions
 Universities, colleges and community colleges
 SIC: 822
 Research and general education aids, 3,190 responses, 4,785 hours; \$168,000 Federal cost, 1 form; not applicable under 3504(h)
 Federal Education Data Acquisition Council, 202-426-5030

Residence and migration data are needed by the Department of Education, States, educational researchers, planning and budget officers and individual colleges for use in economic and financial planning and policy formulation particularly with regard to tracking the migration of students from State to State which has a direct impact on college costs, student financial needs, and sources of such funds.

• Office of Vocational and Adult Education
 Demonstration and validation of a comprehensive Elementary/Secondary Career Education Project in a Local Setting
 830-2 thru 8
 Nonrecurring
 Individuals or households/State or local governments
 Students, parents, LEA personnel, and individuals
 SIC: 941

Elementary, secondary, and vocational education, 1,207 responses, 10,260 hours; \$184,053 Federal cost, 7 forms; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

Pre and post-test data for the school year 1981-82 are needed to assess processes and outcomes of the project's career education activities. If findings are positive, data will be submitted to the joint dissemination review panel for project approval replicable "Exemplary Career Education Model."

Extensions (Burden Change)

• Office of Educational Research and Improvement
 Institutional Characteristics of Colleges and Universities, 1981-82 (HEGIS XVI)

ED (NCES) 2300-1 and 2300-1A

Annually

Businesses or other institutions
 Colleges and univ. and their systems or central offices

SIC: 822

Research and general education aids, 3,422 responses, 1,057 hours; \$186,565 Federal cost, 2 forms; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

Survey contains characteristics of institutions of higher education eligible for listing in education directory, colleges and universities. Includes name of institution, location, identification codes, telephone number, year established, enrollment, undergraduate tuition, and other basic information. Lists specific accreditations.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

• Conservation and Solar Energy Survey of Clients and Comparison Nonclients of Selected Energy Extension Service Programs
 CE-718 A-D
 Nonrecurring
 Individuals or households/State or local governments/businesses or other ins.

clients and control grp. of EES programs in 5 DOE regions
 SIC: multiple
 Small businesses or organizations
 Energy conservation, 11,370 responses, 7,209 hours; \$345,512 Federal cost, 4 forms; not applicable under 3504(h)
 Jefferson B. Hill, 202-395-7340

This information collection will be used to determine the impact, if any, of fifteen energy extension service (EES) programs in changing attitudes on energy, developing energy related knowledge and stimulating energy savings.

• Conservation and Solar Energy
 EPA Home Energy Efficiency Program
 BP-1418 A-F
 On occasion, monthly
 Individuals or households/businesses or other institutions
 Hhlds. and utilities in the Pacific Northwest of the U.S.

SIC: 491, 881

Small businesses or organizations
 Energy conservation, 358,368 responses, 352,275 hours; \$2,768,825 Federal cost, 6 forms; not applicable under 3504(h)
 Jefferson B. Hill, 202-395-7340

The BPA home energy efficiency program (HEEP) is designed to encourage residential weatherization and conservation measures through BPA utility customers. This clearance is for the information collection aspects of the program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strand—202-245-7488

Reinstatements

• Social Security Administration
 Quarterly Report on Recipient Fraud in Public Assistance Programs
 SSA-4110
 Semiannually
 State or local governments
 State public assistance agencies or fraud investigative
 Public assistance and other income supplements, 108 responses, 1,296 hours; \$3,800 Federal cost, 1 form; not applicable under 3504(h)
 Barbara F. Young, 202-395-6880

Sections 402(a)(6) and 1902(a)(6) of the Social Security Act provide for information required to review the methods of dealing with questions regarding recipient fraud. The report is used to provide detailed information on recipient fraud in the AFDC and medicaid programs.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENTAgency Clearance Officer—Robert G.
Masarsky—202-755-5184*Extensions (Burden Change)*

- Housing Programs
- Single Family Default Monitoring System (Initial Case Data Report) HUD-92068A, HUD-92068B, HUD-92068C
- Monthly
- Businesses or other institutions
- Holding and servicing mortgages
- Small businesses or organizations
- Mortgage credit and thrift insurance, 100,000 responses, 58,000 hours; \$554,780 Federal cost, 3 forms; not applicable under 3504(h)
- Richard Sheppard, 202-395-6880

This form is used to initially report mortgages that are 90 days delinquent. This form is prepared by mortgagees and is used by HUD for purposes of tracking mortgages in default and foreclosure, and assists HUD in monitoring and evaluating mortgagee's servicing practices.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A.
Keado—202-343-6191*New*

- Bureau of Land Management
- 43 CFR Parts 2800, 2880 Rights-of-Way Procedure
- Nonrecurring
- Individuals or households/State or local governments/farms/businesses or other institutions
- Any member of the public who has a need to use the
- SIC: multiple
- Small businesses or organizations
- Conservation and land management, 4,000 responses, 8,000 hours; \$6,000 Federal cost, 1 form; NPRM under 3504(h)
- Constance Buckley, 202-395-7340
- The information supplied by an applicant is needed to allow the authorized officer to make a determination as to whether it is in the public interest to issue a right-of-way grant and to determine if the applicant is qualified to hold a grant.
- Bureau of Indian Affairs
- 25 CFR 52—Tribal Reorganization Under a Federal Statute
- 5-8302
- Annually
- Individuals or households, tribal members 18 yrs. of age or older wishing to vote
- Area and regional development, 3,000 responses, 750 hours; \$120,000 Federal

cost, 1 form; not applicable under 3504(h)

Constance Buckley, 202-395-7340

Voter registration in conjunction with elections conducted by the Secretary of the Interior to adopt or amend tribal constitutions pursuant to law has resulted in a better election process. Voter eligibility questions are minimized by the registration form. Final rulemaking extends the procedure to tribes of Oklahoma and Alaska. List of eligible voters are developed from the registration forms. The starting date will be the first election after June 15, 1981.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E.
Miesse—202-633-4312*Extensions (Burden Change)*

- Drug Enforcement Administration
- Application for Procurement Quota for Controlled Substances
- DEA 250
- Annually
- Individuals or households/businesses or other institutions
- Manufacturers of controlled substances
- SIC: 800
- Small businesses or organizations
- Federal law enforcement activities, 324 responses, 324 hours; \$2,770 Federal cost, 1 form; not applicable under 3504(h)
- Andy Uscher, 202-395-4814

Any registered dosage form manufacturer who wishes to purchase controlled substances in schedule II of the Controlled Substances Act must apply on DEA form 250 for a procurement quota, which limits the quantity that may be purchased. The information is used by DEA for establishing procurement quotas and exercising control over the procurement of controlled substances.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E.
Larson—202-523-6331*New*

- Employment and Training Administration
- Postage Reduction Report
- ETA 8550
- On occasion
- State or local governments
- Federally funded State employment security agencies
- SIC: 944
- Training and employment, 265 responses, 133 hours; \$2,588 Federal cost, 1 form; not applicable under 3504(h)
- Arnold Strasser, 202-395-6880

Report is needed to verify the implementation of postage economy programs in State employment security agencies (SESA's). Report will be used to monitor the progress of postage economy programs in individual SESAs.

Extensions (No Change)

- Occupational Safety and Health Administration
- Application for Accreditation to Perform Gear Certification and Related Documents
- OSHA-70, 71, and 72
- On occasion
- Businesses or other institutions
- Applicants wishing to perform accredited certification
- Small businesses or organizations
- Consumer and occupational health and safety, 40 responses, 40 hours; \$12,000 Federal cost, 3 forms; not applicable under 3504(h)
- Arnold Strasser, 202-395-6880

The form is used by companies who are applying for accreditation under 29 CFR Part 1919 to inspect and certificate cranes and derricks used in the longshoring and shipyard industries. The OSHA 71 and 72 are companion documents used by the agencies.

Reinstatements

- Employment and Training Administration
- Job Search Assistance Research Project MT-300
- Other—See SF83
- Individuals or households
- Welfare clients and eligibles
- Training and employment, 10,500 responses, 7,875 hours; \$8,400,000 Federal cost, 1 form; not applicable under 3504(h)
- Arnold Strasser, 202-395-6880.

The information will be used by the Department of Labor to assess the desirability of providing job search assistance services to welfare recipients.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John
Windsor—202-426-1887*New*

- Federal Highway Administration
- Endorsement for Motor Carrier Policies of Insurance for ¹ Public Liability

¹ These reporting requirements will implement new minimum financial responsibility limits for motor carriers of property. Since these new limits must be established before July 1, 1981, according to the Motor Carrier Act of 1980, the ten-day comment period is waived to allow both motor carriers of property and the insurance industry maximum time to prepare themselves for these new financial liability limits.

Under Section 30 of the Motor Carrier Act of 1980
 BMC-90
 On occasion
 Businesses or other institutions
 Insur. Comp. that provide policies to reg. motor carriers
 SIC: 962
 Ground transportation, 260,000 responses, 13,000 hours; \$2,008,000 Federal cost, 1 form; not applicable under 3504(h)
 Terry Grindstaff, 202-395-7340

On July 1, 1981, all motor carriers subject to 49 U.S.C. 10927 must have endorsement attached to insurance policy to comply with 49 CFR 387.7. Endorsement contains language necessary to override exclusions or conditions in insurance policy at odds with intent of regulation thereby extending to the public protection intended by Congress.

• Federal Highway Administration
 Motor Carrier Public Liability Surety Bond Under Section 30¹ of the Motor Carrier Act of 1980

BMC-82
 On occasion
 Businesses or other institutions
 Surety comp. who provide surety bonds to regulated carriers
 SIC: 962
 Ground transportation, 500 responses, 25 hours; \$208,000 Federal cost, 1 form; not applicable under 3504(h)
 Terry Grindstaff, 202-395-7340

On July 1, 1981 all motor carriers subject to 49 U.S.C. 10927 who satisfy the requirements of 49 CFR 387 with a surety bond must use required bond form. Bond forms contain language necessary to comply with the intent of regulation thereby extending to the public protection intended by Congress.

• Federal Railroad Administration
 Annual Report—Railroad Operating Rules
 Annually
 Businesses or other institutions
 Railroad transportation companies
 SIC: 401
 Ground transportation, 300 responses, 150 hours; 1 form; not applicable under 3504(h)
 Terry Grindstaff, 202-395-7340

The information supplied by the railroads in compliance with the requirements of 49 CFR Part 217, provides the Federal Railroad Administration with current information as to the depth and quality of training and testing of railroad employees on the operating rules of all railroads throughout the country.

• Federal Railroad Administration

Filing of Amendments to Operating Rules, Timetables, Timetable Special Instructions, Training and Testing Programs
 On occasion
 Businesses or other institutions
 Railroad transportation companies
 SIC: 401
 Ground transportation, 200 responses, 100 hours; 1 form; not applicable under 3504(h)
 Terry Grindstaff, 202-395-7340

49 CFR 217.9 promulgated under 45 U.S.C. 431 and 438 requires a railroad to periodically conduct operational tests and inspections to determine the extent of compliance with the code of operating rules, timetables and timetable special instructions in accordance with a program filed with the Federal Railroad Administration.

• Federal Railroad Administration
 Recordkeeping—Testing and Inspection Program
 On occasion
 Businesses or other institutions
 Railroad transportation companies
 SIC: 401
 Ground transportation, 495,000 responses, 82,500 hours; 1 form; not applicable under 3504(H)
 Terry Grindstaff, 202-395-7340

49 CFR 217.11 promulgated under 45 USC 431 and 438 requires a railroad to periodically instruct each employee whose activities are governed by the railroad's operating rules on the meaning and application of those rules in accordance with a program filed with the Federal Railroad Administration.

• Federal Railroad Administration
 Filing of Operating Rules, Timetables, Timetable Special Instructions, Training and Testing Programs
 On occasion
 Businesses or other institutions
 Railroad transportation companies
 SIC: 401
 Ground transportation, 900 responses, 6,300 hours; 1 form; not applicable under 3504(H)
 Terry Grindstaff, 202-395-7340

49 CFR 217.7(A) promulgated under 45 USC 431 and 438 require a railroad to file with the Federal Railroad Administration a copy of its operating rules, timetables and timetable instructions.

Revisions

• Coast Guard
 Report of Personal Injury or Loss of Life
 CG-924E
 On occasion
 Businesses or other institutions
 Companies that operate oil and gas extraction vessels

SIC: 131 138
 Small businesses or organizations
 Water transportation, 2,850 responses, 941 hours; \$42,701 Federal cost, 1 form; NPRM under 3504(H)
 Terry Grindstaff, 202-395-7340

The information collected is needed to inform the Coast Guard that death or injury has occurred. This information is then used by the Coast Guard in the conduct of subsequent investigations required by 43 U.S.C. 1348.

Reinstatements

• Federal Aviation Administration
 Crewmember Certificate Application
 FAA 8060-6
 On occasion
 Businesses or other institutions
 Intern'l flight crewmembers of U.S. AI carriers
 Air transportation, 2,500 responses, 33 hours; \$60,000 Federal cost, 1 form; not applicable under 3504(H)
 Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, Section 602 (49 USC 1422) authorizes the issuance of Airman Certificate. 14 CFR 21 prescribes requirements for crewmember certification. Information collect is used to determine applicant eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

• Internal Revenue Service
 Unreported Income of Informal Suppliers
 TIR-81-29
 Nonrecurring
 Individuals or households
 Households with telephones
 Central fiscal operations, 0 responses, 0 hours; \$225,000 Federal cost, 1 form; not applicable under 3504(H)
 Warren Topelius, 202-395-7340

This effort will provide a more credible basis for estimating unreported income of informal suppliers (moonlighters and off-the-books suppliers) of goods and services who are unlikely to report this income denial of this request would limit our ability to estimate the tax and economic impact of underground economic activity.

• Internal Revenue Service
 Excise Taxes
 720
 Quarterly
 Businesses or other institutions
 Airlines, manufacturers, coal mine operators, retailers

SIC: 501 503 504 505 508 371 641 631 478
444

Small businesses or organizations
Central fiscal operations, 381,200
responses, 724,547 hours; \$770,186
Federal cost, 1 form; not applicable
under 3504(H)

Warren Topelius, 202-395-7340

Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or manufacture of various articles, to report taxes on facilities and services, and taxes on certain products and commodities (gasoline, lubricating oil, etc.). It enables IRS to monitor excise tax liability for various categories on a single form, and to collect the tax quarterly in compliance with the law and regulations (IRC Section 6011).

ACTION

Agency Clearance Officer—Mr. Dana
Rodgers—202-254-8501

New

- Title I, Part C Pre-Application Inquiry
A-1034

Quarterly annually

State or local governments/businesses
or other institutions

Low income individuals in educational
programs

SIC: multiple

Small businesses or organizations

Social services, 550 responses, 1,100
hours; \$10,000 Federal cost, 1 form; not
applicable under 3504(H)

Diane Wimberly, 202-395-6880

This form will be used by those organizations who wish to inquire into the use of action resources to assist them in solving local community problems or initiating or supporting volunteer efforts.

- Title I, Part C Project Profile
A-1037

Quarterly annually

State or local governments/businesses
or other institutions

Low income individuals in educational
programs

SIC: multiple

Small businesses or organizations

Social services, 149 responses, 4,768
hours, \$5,000 Federal cost, 1 form; not
applicable under 3504(H)

Diane Wimberly, 202-395-6880

This form is intended to be used for accumulation of project data from the sponsor for the purpose of presentation to Congress as a portion of action's yearly programmatic appropriation request.

- Action/Title I, Part C Project
Narrative
A-1036

Quarterly annually
State or local governments/businesses
or other institutions

Low income individuals in educational
programs

SIC: multiple

Small businesses or organizations

Social services, 24 responses, 960 hours;
\$20,000 Federal cost, 1 form; not
applicable under 3504(H)

Diane Wimberly, 202-395-6880

The project narrative is designed to assist the potential sponsor to address the major activities associated with the administration of a volunteer project. Its purpose is to facilitate communication between the sponsor and action and, as such, is basic to the submission of an annual notice of grant award, once approved.

Extensions (burden change)

- Action/Title I, Part C Project Progress
Report

A-1035

Annually

State or local governments/businesses
or other institutions

Small businesses, state government and
low income individuals

SIC: multiple

Small businesses or organizations

Social services, 2,980 responses, 5,960
hours; \$20,000 Federal cost, 1 form; not
applicable under 3504(H)

Diane Wimberly, 202-395-6880

This form is to be used on a quarterly basis by the sponsoring organization for the express purpose of measuring project well-being, or defining deficiencies (where applicable) as stated in the sponsor's goal and objectives cited in the project work plan.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M.
Rand—202-673-6042

Revisions

- Part 212—Charter Trips by Foreign
Carriers

On occasion

Businesses or other institutions

Foreign route air carriers

Small businesses or organizations

Air transportation, 99,871 responses,
47,600 hours; 0 form; not applicable
under 3504(H)

Terry Grindstaff, 202-395-7340

Eliminates reporting requirements that
no longer seem necessary.

- Foreign Air Carrier Application for
Authorization for Off-Route Charters
433

On occasion

Businesses or other institutions

Foreign air carriers

Small businesses or organizations
Air Transportation, 234 responses, 117
hours; 1 form; not applicable under
3504(H)

Terry Grindstaff, 202-395-7340

Form 433 is an application to be used by foreign air carriers for authorization to conduct charter flights between the U.S. and a country other than the carrier's home country under provisions of the applicant's foreign air carrier permit and part 212 of the board's economic regulations.

- Part 207—Charter Trips and Special
Services

On Occasion

Businesses or other institutions

Certificated route air carriers

Small businesses or organizations

Air transportation, 19,309 responses,
8,022 hours; 0 form; not applicable
under 3504(H)

Terry Grindstaff, 202-395-7340

Eliminates reporting requirements that
no longer seem necessary.

- Terms, Conditions and Limitations of
Certificates to Engage in Charter
Transportation

On Occasion

Businesses or other institutions

Charter air carriers

SIC: 451

Small businesses or organizations

Air transportation, 2,694 responses, 760
hours; 1 form; not applicable under
3504(H)

Terry Grindstaff, 202-395-7340

Eliminates reporting requirements that
no longer seem necessary.

- Part 214—Terms, Conditions and
Limitations of Foreign
Air Carrier Permits authorizing Charter
Transportation Only

On Occasion

Businesses or other Institutions

Foreign charter air carriers

SIC: 451

Small businesses or organizations

Air transportation, 20,016 responses,
10,824 hours; 1 form; not applicable
under 3504(H)

Terry Grindstaff, 202-395-7340

Eliminated all reporting requirements
in part 214 and consolidated them with
similar requirements in part 212.

- Part 323—Terminations, Suspensions,
and Reductions of Service

On Occasion

Businesses or other institutions

U.S. Direct air carriers

SIC: 451

Small businesses or organizations

Air transportation, 214 responses, 2,272
hours; 1 form; not applicable under
3504(H)

Terry Grindstaff, 202-395-7340

Would reduce airline suspension and termination notice requirements.

Reflecting the Board's loss of authority under section 401 (J) of the Federal Aviation Act on January 1, 1982. Section 401 (J) notices would be eliminated and new, less burdensome notice types would permit the board to carry out its authority under section 419.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

- Interlocutory Motion for Appeal Nonrecurring
Individuals or households
Permittee, regional trial staff, intervenor
Pollution control and abatement, 8 responses, 640 hours; 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202-395-7340

Any party may file a motion for an interlocutory appeal to the administrator.

- Petition to Administrator Nonrecurring
Individuals or households/state or local governments/businesses or other inspermittee, regional trial staff, intervenor
Small businesses or organizations
Pollution control and abatement, 8 responses, 640 hours; 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202-395-7340

Any part may file a petition to Appeal to the Administrator any matter set forth in the initial decision.

- Manual Value Discharge and Relief Valve Discharge Reports and Records On Occasion
Businesses or other institutions
Ethylene dichloride, vinyl chloride, and polyvinyl chlor. pl.
SIC: 282
Pollution control and abatement, 232 responses, 464 hours; \$1,933 Federal cost, 1 form; not applicable under 3504 (H)
Edward H. Clarke, 202-395-7340

Owner or operator shall submit a report of details of a relief valve charge has occurred, this report is documenting a violation.

- Demolition and Renovation Notification, Recordkeeping On occasion
Businesses or other institutions
Demolition and renovation contractors
SIC: 179
Small businesses or organizations
Pollution control and abatement, 7,675 responses, 3,838 hours; \$15,979 Federal

cost, 1 form; not applicable under 3504 (h)

Edward H. Clarke, 202-395-7340

Owner or operator provides notification prior to renovation or demolition to allow Administrator time for scheduling an observer, ensuring compliance, and program planning. Recordkeeping and requests for alternative procedures allow the source flexibility in operations while remaining in compliance.

- Filing of Brief, Proposed Findings of Fact and Conclusions of Law Nonrecurring
Businesses or other institutions
Permit applicant, agency trial staff
SIC: Multiple
Pollution control and abatement, 124 responses, 9,920 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Each party may submit proposed findings of fact, conclusions of law and a brief in support thereof, each party may file a reply brief.

- Monitoring requirements for primary aluminum reduction plants Other—see SF83
Businesses or other institutions
Each new, modified or reconstructed primary aluminum
SIC: 333
Small businesses or organizations
Pollution control and abatement, 1,095 responses, 274 hours; \$625 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Owner or operator shall record daily aluminum and anode weight, and maintain records of daily production rates for aluminum and anode, raw material feed rates and potline voltages for 2 years. EPA uses this data to assure production conditions are the same as when the source was originally performance tested.

- Appeal From or Review of Recommended Decision Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Permit applicant or agency trial staff
SIC: Multiple
Pollution control and abatement 62 responses, 4,960 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Any party may take exception to any decision of the presiding officer and may appeal to the Administrator.

- Excess Emissions Report for New, Modified or Reconstructed Ammonium Sulfate Plants

Other—See SF83

Businesses or other institutions
Each covered ammonium sulfate manufacturing plant in the
SIC: 281

Small businesses or other organizations
Pollution control and abatement, 730 responses, 183 hours; \$625 Federal cost, 1 form; not applicable under 3504 (h)

Edward H. Clarke, 202-395-7340

Sources shall monitor mag flow of ammonium sulfate feed or use weigh scales to directly measure production rate of ammonium sulfate. Source shall continuously monitor pressure drop across the control system. These records shall be kept two years and provide a means of insuring that the control equipment is being maintained well.

- Commercial Demonstration Permit Nonrecurring
Businesses or other institutions
All new, modified or reconstructed electric utility steam
SIC: 491
Pollution control and abatement, 1 response, 3 hours; \$62 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Any source subject to the standard proposing to demonstrate an emerging technology may apply for a permit from the Administrator. This allows the source to meet a less stringent requirement as means of encouraging new technology.

- Request for a Non-Adversary Panel Hearing Nonrecurring
Individuals or households, state or local governments, businesses or other institutions
Permit applicant, any interested person
SIC: Multiple
Pollution control and abatement, 62 responses, 62 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

Any person may request the Regional Administrator to hold a panel hearing, contents of the panel hearing request.

- EPA/Division of Stationary Source ENF, Other—See SF83
Businesses or other institutions
All new, modified or reconstructed iron and steel plants
SIC: 331
Pollution control and abatement, 2,920 responses, 730 hours; \$4,500 Federal cost, 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

The time and duration of each steel production cycle and each diversion of exhaust gases shall be recorded. The pressure loss through the Venturi construction and the water supply pressure to the control equipment shall be recorded continuously. These shall be reported quarterly if they indicate changes in operating conditions, and thus raise doubts the standard is being met.

• Request to Participate in a Panel Hearing

Nonrecurring

Businesses or other institutions

Regional trial staff

SIC: Multiple

Pollution control and abatement, 62 responses, 62 hours; 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

Any person who wishes to participate in a panel hearing must file a request to participate, contents of request.

• Written Application for Alternative Monitoring Procedures Under NSPS

Nonrecurring

Businesses or other institutions

All covered sources which have continuous monitoring req.

SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small businesses or organizations

Pollution control and abatement, 3

responses, 1 hour; \$225 Federal cost, 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

This is designed to give more flexibility to the source in demonstrating compliance. Alternate monitoring procedure will be approved by the administrator when the required procedures are not practical. If an affected facility is operated infrequently or use of the specified system would provide inaccurate measurements, alternative systems may be approved.

• Submission of Written Comments on Draft Permits, Response To comments

Nonrecurring

Individuals or households/State or local Governments/Businesses or other institutions permit applicant, agency trial staff

SIC: Multiple

Pollution control and abatement, 124 responses, 4,960 hours; 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

Allows parties second chance to emphasize points made in prior submission.

• Innovative Technology Waiver Under NSPS

Nonrecurring

State or local governments/businesses or other institutions any source subject to NSPS May apply

SIC: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281

Small businesses or organizations

Pollution control and abatement, 1

response, 100 hours; \$1,250 Federal cost, 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

A source may request a waiver with respect to any air pollutant to encourage the use of an innovative technology. This is designed to provide flexibility and would reduce source expenditure on control equipment.

• Monitoring Requirements for Granular Triple Superphosphates

Storage Facilities

Other—See SF83

Businesses or other institutions

Each covered granular triple

superphosphate storage

SIC: 287

Pollution control and abatement, 694 responses, 175 hours; \$250 Federal cost, 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

Source shall maintain an account of triple superphosphate in storage and a daily record of equivalent P2 O5 stored. Source shall operate a monitoring device continuously recording pressure drop across the scrubber. This assures the system is operating properly without the need for inspections or testing.

• Blanket Clearance Request for Human and Environmental Survey and Analysis Programs

Other—see SF83

Individuals or households/farms/businesses or other institutions community members in the vicinity of chemical problem

Pollution control and abatement, 1,000 responses; 500 hours; 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

The office of pesticides and toxic substances exposure evaluation division is requesting a blanket OMB clearance for human and environmental survey and analysis programs. Such a blanket clearance is critical to the ability of EED to respond in a responsible and meaningful manner to unexpected crisis situations calling for the assessment of exposure to toxic compound and the protection of human health.

• Fuel Additive Manufacturer Annual Report

EPA (DUR) 366

Annually

Businesses or other institutions

Manufacturers of fuel additives

SIC: 284, 286, 299

Small Businesses or organizations

Pollution Control and abatement, 3,546 responses, 3,546 hours; 1 form; not applicable under 3504(H)

Edward H. Clarke, 202-395-7340

Each annual report gathers data on impurities, production quantity, and emission characteristics of one fuel additive.

• Fuel Manufacturer Quarterly Report—Gasoline

EPA (DUR) 368

Quarterly

Businesses or other institutions

Motor vehicle fuel manufacturers

SIC: 291, 132

Small businesses or organizations

Pollution control and abatement, 2,400 responses, 28,800 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Each report gives the concentration range during the last quarter of previously registered additives in a single gasoline blend. EPA uses the information to monitor type and quantity of gasoline additives.

• Fuel Manufacturer Quarterly Report—Diesel Fuel

EPA (DUR) 371

Quarterly

Businesses or other institutions

Motor vehicle fuel manufacturers

SIC: 291, 132

Small businesses or organizations

Pollution control and abatement, 1,600 responses, 19,200 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Each report gives concentration range during the reported quarter of previously reported additives in a single diesel fuel blend. EPA uses the data to monitor the type and quantity of additives in use.

• Fuel manufacturer annual report—diesel fuel

EPA (DUR) 372

Annually

Businesses or other institutions

Motor vehicle fuel manufacturers

SIC: 291, 132

Small businesses or organizations

Pollution control and abatement, 400 responses, 4,800 hours; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Each annual report informs EOA of the chemical composition, methods of analysis, and fuel characteristics of a single diesel fuel blend. EPA uses the data to monitor pollution characteristics of the fuel.

- Fuel Manufacturer Notification for Motor Vehicle Gasoline
EPA (DUR) 367
Nonrecurring
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 600 responses, 7,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Requested information notifies EPA of the chemical composition and additives used by each fuel manufacturer. EPA uses the data to monitor new substances that may injure pollution control systems or increase pollution hazards.

- Fuel Manufacturer Notification—Diesel Fuel
EPA (DUR) 370A
Nonrecurring
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 400 responses, 4,800 hours; 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The form notifies EPA of the chemical composition, including additives, in a single diesel fuel blend for motor vehicles. EPA uses the data to monitor fuels and additives for effects on air quality and on pollution control systems.

Extensions (Burden Change)

- Fuel Manufacturer annual Report—Gasoline
EPA (DUR) 369
Annually
Businesses or other institutions
Motor vehicle fuel manufacturers
SIC: 291, 132
Small businesses or organizations
Pollution control and abatement, 600 responses, 7,200 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Each annual report informs EPA of the chemical composition, methods of chemical analysis, and fuel characteristics of a single gasoline fuel blend. EPA uses the data to monitor pollution characteristics of the fuel.

- Fuel Additive Manufacturer Notification Report
EPA (DUR) 365 & 365A
Nonrecurring
Businesses or other institutions
Manufacturers of fuel additives
SIC: 284, 286, 299
Pollution control and abatement, 788 responses, 1,576 hours; 2 forms; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This report notifies EPA of the uses and chemical properties of a new fuel additive. EPA uses the data to monitor the introduction into commerce of potential air pollutants and substances that may affect emission control systems.

Reinstatements

- NPDES Permit Application to Discharge Wastewater
EPA 7550-22, 7550-23 (7-73)
Nonrecurring
Businesses or other institutions/State or local governments/municipalities
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 300 responses, 3,000 hours, 2 forms; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

These application forms are needed to obtain information for the issuance and enforcement of wastewater discharge permits for municipal and new source industrial dischargers.

- Comment Card—Calendar of Federal Regulations
Semiannually
Individuals or households/State or local governments/farms/businesses or other institutions
Readers of calendar of Federal Regulations
SIC: All
Small businesses or organizations
Pollution control and abatement, 800 responses, 27 hours, \$3,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

To assess calendar readership and usefulness of information in order to improve future editions.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—389-4251

New

- Consolidated Report of Income—Monthly—Large Mutual Savings Banks
8040/60
Monthly
Businesses or other institutions
FDIC-insured mutual savings banks having over \$500 million
SIC: 603
Mortgage credit and thrift insurance, 960 responses, 1,440 hours, \$22,956 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 395-6880

The survey provides information which FDIC uses to monitor savings

bank deposit flows, and income-expense results under the prevailing economic conditions with continued high interest rates it is necessary to obtain this information on a monthly basis.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202-523-5326

Extensions (Burden Change)

- General Order 40—Financial Responsibility for Water Pollution
46 CFR 542
On occasion—semiannually—annually
Businesses or other institutions
4
SIC: 441, 442
Water transportation, 3,000 responses, 1,018 hours, \$400,000 Federal cost, 0 form; not applicable under 35.04(h)
William T. Adams, 202-395-4814

In order for the FMC to implement section 311(p) of the Federal Water Pollution Control Act, amended by the Clean Water Act of 1977, regulations were needed. Therefore, General Order 40 (Pub. L. 95-217) was adopted.

- Application for Certificate of Financial Responsibility (Water Pollution)
FMC-321
On occasion
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 1,500 responses, 750 hours, 1 form; not applicable under 35.04(h)
William T. Adams, 202-395-4814

In order to issue a vessel a certificate of financial responsibility (water pollution) an application form completely filled out is required. This form will provide the FMC with information as to the owner, operator, size, flag, etc. of the vessels.

- Letter Requesting Data Omitted on Form FMC-321
FMC-11 (rev)
On occasion
Businesses or other institutions
Foreign and domestic vessel operators using U.S. waters
SIC: 441, 442
Water transportation, 1,000 responses, 250 hours, 1 form; not applicable under 35.04(h)
William T. Adams, 202-395-4814

When an insurance form FMC-322 has not been submitted or an incomplete form has been submitted. This letter is mailed to the applicant. Also, when an incomplete application form FMC-321 has been submitted. This form is sent

out requesting the additional data from the vessel operator.

- Letter requesting confirmation that a certificate is desired

FMC-346 (rev)

On occasion

Businesses or other institutions

Foreign and domestic vessel operators using U.S. waters

SIC: 441, 442

Water transportation, 300 responses, 75 hours; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

When evidence of insurance is received by the FMC for a vessel which has not received a certification of financial responsibility (water pollution), the applicant already has certification for other vessels. The applicant completes the reverse side of the letter and returns it with the necessary fees.

- Certificate of Financial Responsibility (Water Pollution)

FMC-329

Nonrecurring

Businesses or other institutions

Foreign and domestic vessel operators using U.S. waters

SIC: 441, 442

Water transportation, 2,850 responses, 237 hours; 1 form; not applicable under 3504(h)

William T. Adams, 202-395-4814

Once an operator has demonstrated to the FMC proof of financial responsibility, a certificate of financial responsibility is issued. That certificate is presented to U.S. Customs or Coast Guard upon request.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

New

- Certificate of notification under 49 U.S.C. 11301(c)(1)—issuance of Short Term Notes

OP-F 230

On occasion

Businesses or other institutions

Privately owned regulated carriers

Ground transportation, 100 responses, 300 hours; 1 form; not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

Regulated carriers issuing short term securities submit notice of issuance within 10 days after disposition as required under 49 U.S.C. 11301(c)(1).

Extensions: (Burden Change)

- Application for temporary authority under section 210A(a) of the Interstate Commerce Act

OP-MCB-95

On occasion

Businesses or other institutions

New & existing motor carriers seeking permits

Small businesses or organizations

Ground transportation, 30,000 responses, 60,000 hours; 1 form; not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

This form is filed by applicants seeking to operate as a motor carrier under the temporary authority provisions of the ICC Act. This data furnished must establish that there is an immediate and urgent need for the service within a territory having no carrier service capable of meeting that need.

- Special application for authority to sell securities without competitive bidding

OP-F-210

Nonrecurring

Businesses or other institutions

Privately owned rail carriers

Ground transportation, 15 responses, 450 hours; 1 form; not applicable under 3504(h)

Corrinne Hayward, 202-395-7340

Form OP-F-10 is an application filed by railroads for authority to sell securities without competitive bidding. Generally railroads are required to sell their securities through competitive bidding but there are times when this may not be feasible. This form is an application for exemption from these rules.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

- Emergency Notification System

Nonrecurring

Businesses or other institutions

NRC licensees

SIC: 483

Energy information, policy, and regulation, 76 responses, 912 hours; \$2,000 Federal cost, 1 form; not applicable under 3504(h)

Jefferson B. Hill, 202-395-7340

NRC has an emergency notification system which is a dedicated telephone system used by licensees to report events that may endanger the public health and safety. Data needs to be collected to upgrade the capabilities of the system.

REVISIONS

- Amendment to 10 CFR 50: Additional TMI Related Requirements
- Nonrecurring

Businesses or other institutions

Commercial nuclear power plants

SIC: 483

Energy information, policy, and regulation, 13 responses, 811,200 hours; \$3,000,000 Federal cost, 1 form; not applicable under 3504 (H)

Jefferson B. Hill, 202-395-7340

Extensive investigations and reviews following the accident at Three Mile Island indicated the necessity for additional requirements for nuclear power plants. The issuance of these requirements, including the submittal of certain evaluations and reports, is vital to the NRC's mission to protect the health and safety of the public.

PEACE CORPS

Agency Clearance Officer—Richard Celeste—202-254-7970

Extension (No Change)

- Action/Peace Corps Volunteer Application Form

A-35

On occasion

Individuals or households

Citizens who apply for action or Peace Corps volunteer serv.

Foreign economic and financial assistance, 15,600 Responses, 15,600 hours; \$160,000 Federal cost, 1 form; not applicable under 3504 (H)

Phillip T. Balazs, 202-395-4814

The Action/Peace Corps volunteer application is used to collect data to evaluate an individual applicant's eligibility and suitability for Peace Corps volunteer service. Peace Corps has no other means of obtaining the required qualifying data.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

REVISIONS

- Application for Ordinary Life Insurance (at age 70)

28-848 5A

On occasion

Individuals or households

Insured veteran

Income security for veterans, 1,000 responses, 83 hours; \$4,330 Federal cost, 1 form; not applicable under 3504(H)

Robert Neal, 202-395-6880

The completed form is required by law, U.S.C. 704. The information collected is used to process the insured's request for replacement insurance for his/her modified life policy.

Extensions (No Change)

- Supplement to Application for Direct Loan (Dwelling or farm)

26-6921A

On occasion

Individuals or households/farms

Veterans in rural areas

SIC: 019 029 024

Veterans housing, 348 responses, 58

hours; \$3,271 Federal cost, 1 form; not applicable under 3504 (H)

Robert Neal, 202-395-6880

Completed by Veterans eligible for direct loans authorized by 38 U.S.C. 1811 for construction of new home or alteration, improvement or repair of existing homes (38 U.S.C. 1810(A)(1), (3), (4), and (7)). Information collected is necessary for VA determinations concerning eligible purposes (38 U.S.C. 1810(A)) and reasonable value requirements (38 U.S.C. 1810(B)(5)).

C. Louis Kincannon,

Assistant Administrator For Reports Management.

[FR Doc. 81-10876 Filed 6-5-81; 8:45 am]

BILLING CODE 3110-01-M

Agency Forms Under Review

June 3, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the

publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Extensions (Burden Change)

- Economics and Statistics Service

Potato Stocks Inquiry

Other—see SF83

Farms/businesses or other institutions

Potato storage operators

SIC: 134, 203

Small Businesses or organizations

Agricultural research and services, 7,630

responses, 1,277 hours, \$120,000

Federal cost, 2 forms; not applicable

under 3504(h)

Off. of Federal Statistical Policy &

Standard, 202-673-7974

Provides data to estimate all potatoes held by growers, processors and dealers. Estimates contribute to orderly marketing of potatoes by growers and handlers. Data also provided to estimate shrinkage and dumping during storage season. This estimate measures the keeping quality of potatoes.

Reinstatements

- Food Safety and Quality Service

Regulation on Shell Egg Grading

PY-157 & PY-100

On occasion

Businesses or other institutions

Egg packers and dealers

SIC: 964, 072

Consumer and occupational health and

safety, 60,115 responses, 1,682 hours,

\$10,340 Federal cost, 2 forms; not

applicable under 3504(h)

Charles A. Ellett, 202-395-7340

These regulations set forth grading procedures, information on how to obtain and use the service, and operating procedures and facility and sanitation requirements for plants to qualify for the service. The regulations also contain the official U.S. standards, grades, and weight classes for shell eggs. While the program is voluntary, it is widely used since many of the outlets for shell eggs require that the product be officially graded for quality.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

• Maritime Administration
Application for admission to the United States Merchant Marine Academy
KP-2-65, KB 3-4
On occasion
Individuals or households
Persons desiring to gain admission and school officials
Water transportation, 2,000 responses, 10,000 hours, \$142,300 Federal cost, 2 forms; not applicable under 3504(h)
William T. Adams, 202-395-4814

The application is used to apply for admission to the U.S. Merchant Marine Academy.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (Burden Change)

• Department of the Navy
Application for MSC Afloat Employment
MSC 12310/1
On occasion
Individuals or households
Any person desiring to apply for MSC afloat employment
Department of Defense—Military, 8,000 responses, 16,000 hours, \$1,000 Federal Cost, 1 form; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

The application for MSC afloat employment (MSC 12310/1) is required to establish eligibility for MSC afloat (seagoing) positions. Because the need for specific licenses and certification information is required a custom form is needed. The MSC form is used in lieu of SF-171 as previously approved under item 7 below.

Extensions (No Change)

• Department of the Air Force
Missile and Space Propellants Report (by Contractors)
AF 210, 588, 857, 858, 859, and 1994
On occasion/weekly/monthly/quarterly
Semiannually/other—see SF83
Businesses or other institutions
Contractors performing statements of work in awarded contr.
SIC: Multiple
Department of Defense—Military, 960 responses, 960 hours, \$17,536 Federal cost, 6 forms; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

Utilized for management, control, procurement, and redistribution of assets. Forecast requirements data.

Inventory and issue or transfer status of military owned propellants and fuels, from contractor operated fuels accounting stock record accounts.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Postsecondary Education
Loan Transfer Statement Guaranteed Student Loan Program
ED 1074
On occasion
Businesses or other institutions
Financial and credit institutions
SIC: 822, 601, 602, 603, 604, 605
Small businesses or organizations
Higher education, 16,265 responses, 32,530 hours; \$85,000 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This form is used to report the selling and buying of existing loans between lenders. Both lenders must sign and date the form prior to submission to ED by the buying lender.

• Office of Educational Research and Improvement
Final Financial Status and Performance Report—HEA Title II
A, B (training) and C
ED 606, ED 606-1, ED 606-2
Annually
Businesses or other institutions
Institutions of higher education, branches and combinations
SIC: 822, 823
Research and general education aids, 2,700 responses, 10,800 hours; \$100,000 Federal cost, 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

This consolidated report form is used to determine the utilization of grant funds administered by three discretionary grant programs—college library resources (HEA II-A), library career training (HEA II-B), and the strengthening research library resources program (HEA II-C). An additional supplementary performance report for II-A is necessary to confirm maintenance of effort assurance required of grantees in the college library resources program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Stenad—202-245-7488

New

• Social Security Administration

Quality review questionnaire—
Disability
Quality review questionnaire—insured individual
SSA-4678, SSA-2930
Nonrecurring
Individuals or households
Beneficiaries receiving title II payments
General retirement and disability insurance, 6,000 responses, 2,000 hours; \$4,300 Federal cost, 2 forms; not applicable under 3504(h)
Barbara F. Young, 202-395-6880

The SSA-4678 will be used in a special limited study of disability insurance beneficiaries aged 40 through 49 whose current family benefits were \$250 or more. This study is designed to target a highly error prone group of disability insurance beneficiaries.

• Health Resources Administration
Functioning and Utilization of Nurse Practitioners
Nonrecurring
Businesses or other institutions
Administrators of practice settings which utilize NP's
SIC: 801, 804
Health, 1,050 responses, 488 hours; \$175,846 Federal cost, 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Through onsite data collection and analysis, the roles and functions of nurse practitioners in various practice settings will be determined as well as the facilitators and barriers to utilization. This study will be helpful in developing programs which will optimize the use of NP's as primary care providers.

• Health Care Financing Administration
Hospice Evaluation Study
HCFA-286
Other—see SF 83
Individuals or households/businesses or other institutions
Approximately 5,700 terminally ill patients and their
SIC: 808
Small businesses or organizations
Health, 57,000 responses, 19,114 hours; \$2,400,000 Federal costs, 12 forms; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The hospice evaluation study (HCFA 286 A to L) will be used to determine the effectiveness of providing hospice care to terminally ill patients, including medicare/medicaid beneficiaries.

Revisions

• Social Security Administration
Student Reporting Form
SSA-1383-SM
On occasion

Individuals or households
 Qualified full-time students receiving social security
 General retirement and disability insurance, 200,000 responses, 20,000 hours; \$1,266,000 Federal cost, 1 form; not applicable under 3504(h)
 Barbara F. Young, 202-395-6880

Section 202(d) of the Social Security Act provides for termination of child's social security benefits if certain conditions are met. This form is used to determine a student's continuing eligibility for these benefits.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

- Research and Special Programs Administration
 Recordkeeping Requirements for Cylinder Retesting and Reinspection
 Other—see SF83

Individuals or Households/Farms/
 Businesses or other institutions
 All cylinder owners who wish to recharge and ship charged cyl.
 SIC: all

Small businesses or organizations
 Other transportation, 1,000,000 responses, 200,000 hours; 1 form; not applicable under 3504(H)
 Terry Grindstaff, 202-395-7340

To verify that cylinders have not been damaged by handling or the materials with which they have been charged and are safe to recharge and transport.

- Federal Highway Administration
 Written Notice of Death After Filing Accident Report Form
 MCS-50T or 50B
 On occasion
 Individuals or households/businesses or other institutions
 Motor carriers operating in interstate or foreign commerce
 Small businesses or organizations
 Ground transportation, 30 responses, 120 hours; 1 form; not applicable under 3504(H)
 Terry Grindstaff, 202-395-7340

After an accident report form MCS-50T or 50B has been filed, if a death occurs within 30 days from date of accident, written notice is required by 49 CFR 394.11 detailing items to be used to determine if an investigation is warranted and to update the accident data file.

- National Highway Traffic Safety Administration
 Periodic Motor Vehicle Inspection
 On occasion
 State or local governments
 State governments
 SIC: 371

Ground transportation, 97,000,000 responses, 24,250,000 hours; 1 form; not applicable under 3504(H)
 Corrinne Hayward, 202-395-7340

The highway safety standard on periodic motor vehicle inspection recommends that each State have an inspection program to identify unsafe conditions which the owner is required to correct, and to maintain records to assess vehicle safety and program operation.

- National Highway Traffic Safety Administration
 Driver Licensing
 On occasion
 State or local governments
 • State and Local Governments
 SIC: 371
 Ground transportation, 143,300,000 responses, 3,200,000 hours; 1 form; not applicable under 3504(h)
 Corrinne Hayward, 202-395-7340

The highway safety standard on driver licensing recommends that each State maintain a record of each driver licensed and his driving history, with rapid accessibility for enforcement and other operational needs.

- National Highway Traffic Safety Administration
 Motor Vehicle Registration
 On occasion
 State or local governments
 State and local governments
 SIC: 371
 Ground transportation, 159,000,000 responses, 9,800,000 hours; 1 form; not applicable under 3504(h)
 Corrinne Hayward, 202-395-7340

The highway safety standard for motor vehicle registration recommends that each State have a records system which can rapidly identify each vehicle and its owner for financial responsibility control, assistance to law enforcement and the insurance and manufacturing industries, and accident research and operational planning.

Revisions

- Federal Aviation Administration
 Application for Airman Medical Certificate or Airman Medical and Student Pilot Certificate—FAR 67
 FAA 8500-8
 Annually
 Individuals or households
 Airman medical cert., med. and student pilot cert. applicants
 Air transportation 572,000 responses, 291,000 hours; \$3,994,600 Federal cost, 1 form; not applicable under 3504(h)
 Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, section 602 (49 U.S.C. 1422), requires airmen to

be physically able to perform the duties of the certificate sought. 14 CFR 67 prescribes minimum airman medical standards. Information collected shows applicant eligibility.

- Federal Aviation Administration
 Maintenance, Preventive Maintenance, Rebuilding and Alterations—FAR 43
 FAA 337
 On occasion
 Individuals or households/businesses or other institutions, mechanics, repair stations, manufacturers and air carriers
 Small businesses or organizations
 Air transportation, 81,611,025 responses, 5,507,132 hours; \$381,060 Federal cost, 1 form; not applicable under 3504(h)
 Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, section 601 (49 U.S.C. 1421), authorizes the issuance of regulations governing inspection, servicing, and overhaul of aircraft engines, propellers and appliances. 14 CFR 43 prescribes regulations that implement section 601. Information collected shows compliance.

Reinstatements

- Coast Guard
 AMVER Message
 CG 4796
 On occasion
 Businesses or other institutions
 Ships sailing on the high seas, worldwide
 SIC: 441, 442
 Small businesses or organizations
 Water transportation, 216,000 responses, 10,800 hours; \$1,200,000 Federal cost, 1 form; not applicable under 3504(h)
 Terry Grindstaff, 202-395-7340

Merchant vessels send voluntary messages to the AMVER center with positions, courses, and speeds, etc., to enable the AMVER center to keep track of their dead-reckoning positions. These positions are used by maritime rescue authorities to assist other vessels in distress.

- Federal Aviation Administration
 Airport Operating Certificate
 FAA 5280-1 and 5280-2
 On occasion, annually, other—see SF83
 State or local governments
 Operators of airports which serve air carriers
 SIC: 458
 Air transportation, 313,110 responses, 189,935 hours; \$211,370 Federal cost, 2 forms; not applicable under 3504(h)
 Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, section 610 (49 U.S.C. 1430), requires certain airport sponsors to have airport

operating certifications. FAR Part 14 CFR 139 prescribes requirements for airport operating certificates. Information collected is used to determine compliance.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

- Bureau of Alcohol, Tobacco and Firearms
User-limited permit (18 U.S.C. Chapter 40, explosives)
ATF F 4709

Annually
Individuals or Households/businesses or other institutions; persons who sell explosives—largely for fireworks displays

SIC: 799

Small businesses or organizations
Federal law enforcement activities, 1,827 responses, 30 hours; \$727 Federal cost, 1 form; not applicable under 3504 (h)
Kevin Broderick, 395-6880

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

New

- State Notification of Duty To Submit Inventory Information
Nonrecurring
State or local governments
Dir. of St. UIC program or the RA if EPA is running the PR.

Pollution control and abatement, 15,150 responses, 30,300 hours; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202-395-7340

The State must notify the permittee of his duty to submit inventory information to assure that an owner or operator is aware of this requirement.

- Variance Request (Fundamentally Different Factors)

Nonrecurring
Businesses or other institutions
Small number of NPDES industrial permit applicants

SIC: multiple

Small businesses or organizations
Pollution control and abatement, 8 responses, 480 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

An industrial discharger seeking a variance from otherwise applicable effluent limitations based on the presence of fundamentally different factors must submit a request demonstrating why such variance is justified. EPA will evaluate the request. (40 CFR 122.53 (i) (1)).

- Variance Request (Direct Industrial Discharger)

On occasion
Businesses or other institutions
Direct indust. discharges who can demonstrate innovative
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 30 responses, 1,800 hours; \$100 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Applicants may submit data showing that their technology for meeting BAT and BCT requirements is innovative in order to delay the required compliance date by 3 years.

- Coordination With Federal and State Agencies

On occasion, weekly
State or local governments
States with authority to administer the 404 program

Pollution control and abatement, 1 response, 1 hour; 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This requirement will provide coordination between a State's areawide waste treatment management plan and the State's dredge and fill program so as to eliminate regulatory overlap and requires States to consult with other relevant State and Federal agencies when issuing dredge or fill permits so as to insure full input into the permitting process.

- Exclusion Request

Nonrecurring
Businesses or other institutions
Auto. mfgs. includes major mfgs. and sml. mfgs., etc.

SIC: 371

Small businesses or organizations
Pollution control and abatement, 30 responses, 60 hours; \$1,500 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

A manufacturer who desires a determination whether a particular type of vehicle is excluded from coverage by the Clean Air Act must submit specifications describing the size, use, top speed, etc. of the vehicle so a determination may be made.

- Fuel and Fuel Additive Waiver Guidelines

Nonrecurring
Businesses or other institutions
Fuel and fuel additive mfgs. incld. oil cos., addi., etc.

Pollution control and abatement, 4 responses, 1,000 hours; \$15,600 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information is necessary for the Administrator to determine if a new fuel or additive will cause or contribute to the failure of vehicles to meet emission standards and if a waiver of the Clean Air Act's section 211(f) prohibits should be granted.

- Unleaded Gasoline Field Inspection

Nonrecurring
Businesses or other institutions
Retail sellers of motor fuel, fleet users of motor fuel

SIC: 554

Small businesses or organizations
Pollution control and abatement, 15,000 responses, 250 hours; \$10,000 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Used to record results of inspection for compliance with EPA's unleaded gasoline regulations and FTC's octane posting regulations. The forms are used in enforcement actions, and to place DA in a fuels data base.

- Stage I Vapor Recovery Inspection Form

Nonrecurring
Businesses or other institutions
Oper. of gaso. dispensing fac. (e.g., serv. stat. oper.)

SIC: 554

Small businesses or organizations
Pollution control and abatement, 2,065 responses, 35 hours; \$680 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

EPA conduct inspections at gasoline dispensing facilities (primarily gasoline service stations) in order to determine compliance with Federal regulations and federally-approved State regulations requiring Stage I vapor recovery equipment. Inspection data, recorded on forms by the inspectors, is subsequently reviewed by EPA personnel for potential violations. Station personnel only provide background information.

- Source Compliance and State Action Reporting

Nonrecurring, quarterly
State or local governments
A respondent in this request is each State and local air

SIC: All

Pollution control and abatement, 220 responses, 20 hours; \$170,000 Federal cost, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

This information on source compliance and enforcement actions taken by the States is needed to keep track of the compliance status of all

major sources and major State enforcement activities. It is used to assess progress in meeting air quality standards and to assure continued attainment of the standards.

- Public Notice of Emergency Permits
On occasion
State or local governments
States with authorization to administer the 404 program
Pollution control and abatement, 60 responses, 360 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

States are required to issue public notice of any emergency permits issued to insure that the public is made aware of the State's emergency action that may affect them and to allow an opportunity to comment on the State's emergency action.

- Request for Public Hearing
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
State or persons interested in permit application
Pollution control and abatement, 10 responses, 500 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Within 90 days of receipt of objection by EPA the State or any interested party may request that the R.A. hold a public hearing. A public hearing shall be held whenever requested by the State or if warranted by significant public interest.

- Preactivity Notification
On occasion
Individuals or households/farms/businesses or other institutions
Dischargers of dredged or fill material into waters of U.S.
Small businesses or organizations
Pollution control and abatement, 1,500 responses, 3,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Before an activity can be carried out under a general permit, the State director must be notified 30 days prior to commencement of the activity. If the applicant has not heard from the State within 15 days of submission, activity under the general permit may begin.

- Update of Part A Applications for Interim Status Facilities
On occasion
Businesses or other institutions
Persons treating, storing, or disposing of hazardous substance
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 2,640 responses, 7,920 hours, 1 form; not applicable under 3504(h)

Edward H. Clarke, 202-395-7340

Revision of part A applications after promulgation of revised regulations under 40 CFR Part 261 (listing and identifying additional hazardous wastes) is necessary in order for the facility to obtain interim status for these wastes and is useful to EPA in deciding them to request part B of the application.

- Contents of Part B Application (RCRA)
Nonrecurring
State or local governments, businesses or other institutions
Persons wishing to treat, store, or dispose of hazardous substance
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 627 responses, 188,100 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

Information is necessary to determine whether the facility can meet the various performance standards established under 40 CFR Part 264 to protect human health and the environment as required by 42 U.S.C. section 6924.

- Preparation of Revised Permit
On Occasion
State or local governments
States who have assumed 404 permitting responsibility
Pollution control and abatement, 300 responses, 3,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

When the State director has received an objection, a revised permit may be prepared to eliminate the objection. If no further objection is received from the R.A. within 15 days of receipt of revised permit, the State director may issue the permit.

- Information to Determine if a Facility Is a New Source
Nonrecurring
Businesses or other institutions
NPDES permit applicants
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 500 responses, 250 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

When an applicant provides this information to the regional administrator, it will enable EPA to decide if a facility is a new source and if it is subject to environmental review requirements under NEPA of the Clean Water Act.

- Permittee Recording of Injected Fluids
On Occasion

Businesses or other institutions
Owners or operators of underground injection wells
Small businesses or organizations
Pollution control and abatement, 1,300 responses, 650 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The permittee is required to keep records of the nature and composition of injected fluids for five years after plugging or abandonment to assure that the director will have access to this information if contamination of an underground source of drinking water is discovered.

- Contractor report of costs incurred in responding to hazardous substance emergencies
1900-55
Other—see SF83
Businesses or other institutions
Businesses having contracts with the USEPA for response to
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 90,000 responses, 63,000 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The report will document costs incurred by contractors responding to hazardous substance releases. It will be used as a management tool by EPA personnel to account for personnel, equipment, and material furnished by the contractor and to verify costs claimed for reimbursement by the contractor.

Extensions (Burden Change)

- Applicants Must Submit Information
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Dischar. of dredged or fill mater. into waters of the U.S.
Pollution control and abatement, 4,200 responses, 73,500 hours, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The 1977 amendments to the Clean Water Act authorized the transfer of the existing 404 permit program from the Corps of Engineers to qualified States. These State programs must meet minimum requirements for approval and operation as set out in EPA's consolidated regulations. In approved States applicants will supply the information to the State rather than to the corps.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-3512

Extensions (No Change)

- Report of Assets and Liabilities of U.S. Branches, and Agencies of Foreign Banks
- FFIEC 002
- Quarterly
- Businesses or other institutions
- U.S. branches and agencies of foreign banks
- General government, 1,376 responses, 20,296 hours, \$100,000 Federal cost, 1 form; not applicable under 3504(h)
- Kevin Broderick, 395-6880

This report of assets and liabilities, provides balance sheet information from all U.S. branches and agencies of foreign banks required for the supervisory and regulatory requirements of the International Banking Act of 1978. Additional uses of the data are to augment the bank credit, loan and deposit information needed for monetary policy decisions.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

New

- POW Medical Follow-Up
- Nonrecurring
- Individuals or households
- Former prisoners of war: W.W. II, Korean conflict and controls
- Hospital and medical care for veterans, 3,300 responses, 1,100 hours; \$150,125 Federal cost, 3 forms; not applicable under 3504(h)
- Robert Neal, 202-395-6880

Previous studies of American former prisoners of war have revealed excess morbidity and mortality during the years following repatriation. This study will investigate for how long and from what causes excess illnesses persist as well as whether chronic diseases are a more serious problem for former POW's.

Revisions

- Employment Questionnaire
- 21-4140
- Annually
- Individuals or households
- Disabled veterans
- Income security for veterans, 40,500 responses, 3,375 hours; \$96,560 Federal cost, 1 form; not applicable under 3504(h)
- Robert Neal, 202-395-6880

This form is used as a control for total compensation evaluations based on individual unemployability. The information furnished by the veteran is

reviewed annually for a maximum of 10 years or until age 60 to determine continued entitlement to the total compensation evaluation.

Reinstatements

- Daily Report of Workmen and Material
- Other—see SF83
- Businesses or other institutions
- General contractors in the commercial building industry
- SIC: 154
- Small businesses or organizations
- Hospital and medical care for veterans, 78,000 responses, 13,000 hours; \$64,372 Federal cost, 1 form; not applicable under 3504(h)
- Robert Neal, 202-395-6880

This report is used to aid the contracting officer to determine partial payments for materials stored on site and to assure that sufficient labor is dedicated to maintain the construction schedule. The report is prepared daily and will continue as long as the VA continues its construction program.

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-10915 Filed 6-5-81; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments: Section 337 Determination of the U.S. International Trade Commission Regarding Certain Window Shades and Components Thereof

June 2, 1981.

On May 29, 1981, the United States International Trade Commission (the Commission) issued an order excluding from entry into the U.S. imports of certain window shades and components thereof which had been determined to be infringing claims of U.S. Letters Patent 4,006,770, and causing substantial injury to an efficiently and economically operated domestic industry. The Commission issued the exclusion order following their investigation, No. 337-TA-83, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Under section 337(g), the President within 60 days may disapprove the determination of the Commission for domestic or foreign policy reasons, terminating the exclusion order on the day the Commission is notified of his disapproval. The President also may approve the determination expressly, making the order final immediately, or he may take no action, allowing the order to become final following the 60

day period provided for review.

Interested parties are invited to submit comments concerning domestic or foreign policy issues which should be considered in the review of the Commission determination and order. The original and 19 copies of the comments should be delivered to the Secretary, Trade Policy Staff Committee, 600 17th Street, Room 413, Washington, D.C. 20506. For further information call Alice Zalik (202) 395-3432.

Alice T. Zalik,

Chairman, Section 337 Committee.

[FR Doc. 81-10902 Filed 6-5-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17833; File Nos. SR-Amex-81-8; SR-CBOE-81-8; SR-PSE-81-8; SR-Phlx-81-7]

American Stock Exchange, Inc., et al.; Order Approving Proposed Rule Changes

June 1, 1981.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604; Pacific Stock Exchange Inc., 301 Pine Street, San Francisco, California 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that the self-regulatory organizations listed above ("options exchanges") have filed with the Commission copies of proposed rule changes to amend the joint options allocation plan to provide for the replacement of involuntarily delisted options.¹

Notice of the proposed rule changes by Amex, CBOE and Phlx, together with the terms of substance of the proposed rule changes, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17757 (April 27, 1981)) and by publication in the *Federal Register* (46 FR 24352 (April 30, 1981)). Notice of the proposed rule change by PSE, together with the terms of substance of the proposed rule change, was given by issuance of a Commission Release (Securities

¹ The proposed rule changes were filed on the following dates: American Stock Exchange, Inc. ("Amex"), April 16, 1981; Chicago Board Options Exchange, Incorporated ("CBOE"), April 20, 1981; Pacific Stock Exchange Incorporated ("PSE"), May 4, 1981; and Philadelphia Stock Exchange, Inc. ("Phlx"), April 24, 1981.

Exchange Act Release No. 17777 (May 6, 1981) and by publication in the **Federal Register** (46 FR 26416 (May 12, 1981)). No comments were received concerning any of the proposed rule changes.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6. Moreover, the Commission finds good cause for approving the proposed rule change of the PSE prior to the thirtieth day after the date of publication of notice of filing thereof since it is identical in its terms to the proposals of the other options exchanges, which were published for the normal statutory comment period.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-16887 Filed 6-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22075; (70-6361)]

**Appalachian Power Co., et. al.;
Proposal of Holding Company To
Make Cash Capital Contributions to
Subsidiary**

June 2, 1981.

In the matter of Appalachian Power Co., 40 Franklin Road, Roanoke, Virginia 24009; Columbus and Southern Ohio Electric Co., 215 North Front Street, Columbus, Ohio 43215; Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Indiana 46801; Kentucky Power Co., 1701 Central Avenue, Ashland, Kentucky 41101; Kingsport Power Co., 40 Franklin Road, Roanoke, Virginia 24009; Michigan Power Co., Post Office Box 367, Three Rivers, Michigan 49093; Ohio Power Co., 301 Cleveland Avenue, S.W., Canton, Ohio 44701; Wheeling Electric Co., 51 Sixteenth St., Wheeling, West Virginia 26003; American Electric Power Company, Inc., 2 Broadway, New York, New York 10004.

American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE") Indiana & Michigan Electric Company ("I&M"), Kentucky Power Company ("KPCO"), Kingsport Power Company ("Kingsport"), Michigan

Power Company ("Michigan"), Ohio Power Company ("Ohio Power") and Wheeling Electric Company ("Wheeling"), public utility Subsidiaries, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6(b) and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

By a prior order in this proceeding dated December 9, 1980 (HCAR No. 21832), AEP was authorized to issue and sell from time to time prior to January 1, 1982, short-term notes to 14 banks with lines of credit in an aggregate amount of \$239,000,000, maturing no later than June 30, 1982. AEP was also authorized to make cash capital contributions from time to time subsequent to December 31, 1980 and prior to January 1, 1982, to Appalachian in the amount of \$60 million, to CSOE in the amount of \$40 million, to I&M in the amount of \$90 million, to KPCO in the amount of \$20 million and to Ohio Power in the amount of \$60 million.

By post-effective amendment AEP seeks authority to also make cash capital contributions from time to time prior to January 1, 1982 to Kingsport in the aggregate amount of \$2,000,000. The funds will be used to partially finance Kingsport's general obligations, including estimated expenditures of \$2,900,000 for Kingsport's 1981 construction program, and to serve other corporate purposes.

The application-declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-16890 Filed 6-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22074; (70-6607)]

**Arkansas Power & Light Co.; Proposed
Issuance and Sale of First Mortgage
Bonds**

June 1, 1981.

Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Arkansas proposes to issue and sell up to \$90,000,000 in principal amount of its first mortgage bonds of a series having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued as a new series under Arkansas' Mortgage and Deed of Trust, dated as of October 1, 1944, as heretofore supplemented and as proposed to be further supplemented. Arkansas intends to use the net proceeds derived from the issuance and sale of the bonds for the payment of a portion of its short-term indebtedness. Arkansas may request by amendment hereto that the sale of the bonds be excepted from the competitive bidding requirements of Rule 50.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-16888 Filed 6-5-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11800; (811-2010)]

Montrose Investors, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the act for an Order Declaring That Applicant has ceased To Be an Investment Company

June 1, 1981.

Notice is hereby given that Montrose Investors, Inc. ("Applicant"), c/o Mr. Allen M. Singer, 11109 Deborah Dr., Potomac, MD 20854, a Delaware corporation register under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on June 28, 1978, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on January 22, 1970. The application states that at a meeting held on December 20, 1977, a plan of liquidation and dissolution was approved by shareholders. It is asserted that, pursuant to that plan, on December 30, 1977, a liquidating dividend amounting to \$8.50 per share was distributed to shareholders of Applicant who had not redeemed their shares prior to that date. Finally, the application, states that, at the date of the filing of the application, the Applicant had no assets and no stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company will cease to be in effect.

Notice is further given that any interested person may, not later than June 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the

Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-16889 Filed 6-5-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0146]

**James River Capital Associates;
Issuance of License**

On January 30, 1981, a notice was published in the Federal Register (46 FR 10033) stating that an application has been filed by James River Capital Associates, 909 East Main Street, Richmond, Virginia 23219, with the Small Business Administration pursuant to §§ 107.4 and 107.102 of the regulations governing small business investment companies (SBIC's) under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business February 9, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 03/03-0146 to James River Capital Associates, to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: June 2, 1981.

Peter F. McNeish,
Acting Associate Administrator for
Investment.

[FR Doc. 81-16822 Filed 6-5-81; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #1989]

Montana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Broadwater, Cascade, Gallatin, Granite, Jefferson, Lewis and Clark, Meagher, Missoula, Powell and Silver Bow counties and adjacent counties within the State of Montana constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about May 19, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 27, 1981, and for economic injury until close of business on March 1, 1982, at: Small Business Administration, District Office, 301 South Park, Room 528, Federal Office Building, Drawer 10054, Helena, Montana 59601, or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 3, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-16923 Filed 6-5-81; 8:45 am]
BILLING CODE 8025-01-M

[License No. 03/03-0062]

Osher Capital Corp.; Application for Transfer of Control

Notice is hereby given that an Application has been filed with the Small Business Administration pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1980)) for the transfer of control of Osher Capital Corporation (OCC), Township Line Road & Washington Lane, Wyncote, PA 19095, a Federal license under the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 et seq.).

Section 107.701 of the regulations provides in general that any transfer of 10 or more percent of the licensee's stock is considered a transfer of control and requires prior approval from the SBA.

At the present time there are twelve shareholders. Mr. Leonard Cantor, President-Treasurer and Director proposes to purchase 40 percent or 1,200 shares of the issued and outstanding stock from 6 existing shareholders. Upon consumation and approval, Mr. Cantor will have increased his ownership position from 20 to 60 percent of the issued and outstanding stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner, and the probability of a successful operation under his control in accordance with the Act and Regulations promulgated thereunder.

Notice is hereby given that any person, may not later than June 23, 1981 submit written comments on this Application to the Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the Wyncote area.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: June 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16921 Filed 6-8-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area 1992]

Texas; Declaration of Disaster Loan Area

Travis County and adjacent counties within the State of Texas constitute a disaster area, as a result of damage caused by rain and flooding which occurred on May 24-25, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on 1981, and for economic injury until the close of business on 1982, at:

Small Business Administration, District Office, 727 East Durango, Room A513, Federal Building, San Antonio, Texas 78206

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 1, 1981.

Donald R. Templeman,
Acting Administrator.

[FR Doc. 81-16924 Filed 6-5-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 08/08-0053]

Tracy Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1980)) by Tracy Corporation (Applicant), 107 South Main Street, Salt Lake City, Utah 84110, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and sole shareholder are:

Name and address	Title and relationship	Percent of ownership
Tracy-Collins Bank and Trust Company, 107 South Main Street, Salt Lake City, Utah 84110.	Shareholder	100
Gilbert L. Shelton, 2309 Cottonwood Lane, Salt Lake City, Utah 84117.	Chairman of the Board & Director.	
John C. Slater, 11527 S. High Mountain Drive, Sandy, Utah 84070.	President & Director	
Ted E. Steers, 1059 S. Milcrest Cr., Bountiful, Utah 84010.	Vice President & Director.	
Charles R. Canfield, 2618 South Breeze Drive, Magna, Utah.	Vice President & Director.	
Ben F. Armstrong, 1505 Arlington Drive, Salt Lake City, Utah 84103.	Vice President & Director.	
Ted May, 2096 Linden Circle, Salt Lake City, Utah 84121.	Vice President & Director.	
J. Michael Holt, 1970 Logan Avenue, Salt Lake City, Utah.	Vice President & Director.	
Peter Karl Ringger, 3790 South Becky Circle, Salt Lake City, Utah.	Secretary, Treasurer & Director.	
Brooke Grant, 1418 Military Way, Salt Lake City, Utah.	Director	
John Alexander Dahlstrom, 4567 Mathews Way, Salt Lake City, Utah.	Director	

The Applicant proposes to begin operations with a capitalization of \$545,000 and will be a source of equity capital and long-term loans for qualified small business concerns. The Applicant plans to provide management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include, the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 23, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street N.W., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Salt Lake City, Utah.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 1, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-16925 Filed 6-8-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/415]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Notice of Meeting

The Working Group on Radio-communications of the Subcommittee on Safety of Life at Sea will conduct an open meeting on June 18, 1981, at 1:30 p.m., in Room 8238 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

This meeting is being held inside of the required two-week publication period in order to consider several issues concerning the Future Global Maritime Distress and Safety System which arose at the 23rd Session of the Subcommittee on Radio-communications held in London, on May 11-15, 1981. It is necessary to establish a work program to develop U.S. proposals to these issues well in advance of the next meeting of the Subcommittee.

The purpose of the meeting is to prepare position documents for the Twenty-fourth Session of the Subcommittee on Radio-communications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London, in May of 1982. In

particular, the working group will discuss the following topics:

- survival craft radio equipment
- operational requirements for future EPIRBs
- operational standards for shipboard radio equipment
- maritime distress system

For further information contact Mr. Richard Swanson, U.S. Coast Guard (G-OTM-S), Washington, D.C. 20593. Telephone (202) 426-0517.

Dated: June 4, 1981.

James A. Treichel,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81-17101 Filed 6-5-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aircraft Position Light and Anticollision Light Installations; Availability of Advisory Circular and Request for Comments

AGENCY: Federal Aviation Administration.

ACTION: Notice of availability of draft Advisory Circular (AC) and request for comments.

SUMMARY: The draft Advisory Circular is intended to combine and update material contained in AC 20-30A and AC 43.13-2A, provided a method to calculate rear position obstructions, and summarize the airworthiness requirements for anticollision lights.

DATE: Commenters must identify file number AC 20-30B and comments must be received on or before July 8, 1981.

ADDRESS: Send all comments in duplicate on the draft to Federal Aviation Administration, Office of Airworthiness, Attention: Systems Branch (AWS-130), 800 Independence Ave. SW., Washington, D.C. 20591, or delivered in duplicate to Room 335-E, 800 Independence Ave. SW., Washington, D.C. 20591. Comments delivered must be marked file number AC 20-30B. Comments may be inspected at Room 335-E between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Phillip J. Akers, Systems Branch (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800

Independence Ave. SW., Washington, D.C. 20591 (Telephone (202) 426-8395)

SUPPLEMENTARY INFORMATION: Comments Invited

Comments are solicited on all aspects of the draft Advisory Circular. A copy of the draft Advisory Circular may be obtained by contacting the person identified under "For Further Information Contact."

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

M. C. Beard,

Director of Airworthiness.

Advisory Circular

Department of Transportation,
Federal Aviation Administration,
Washington, D.C.

FAR Guidance Material

Subject: Aircraft Position Light and Anticollision Light Installations.

1. *Purpose.* This circular sets forth acceptable means, but not the only means, of showing compliance with the Federal Aviation Regulations (FAR) applicable to installed position lights and anticollision lights.

2. *Cancellation.* AC 20-30A dated April 18, 1968, is canceled.

3. *Related FAR Sections.*

a. Sections .1385 through .1401 of FAR Parts 23, 25, 27, and 29.

b. Sections .33 and .73 of FAR Part 91.

4. *Related Reading Material.*

a. Advisory Circular AC 20-74,

Aircraft Position Lights and Anticollision Light Measurements.

b. Advisory Circular AC 43.13-2A, Acceptable Methods, Techniques, and Practices, Aircraft Alterations.

c. Technical Standard Order (TSO) C30b, Aircraft Position Lights.

5. *Background.* Airworthiness regulations and Technical Standard Orders prescribe minimum intensities, light distribution, overlap limits, allowable obstructions to light visibility, and color for position lights and anticollision lights.

6. *Laboratory Measurements.* Measurements of intensity, light distribution, and light color are normally made under laboratory conditions before installation. Advisory Circular 20-74 contains information concerning measurements of intensity, distribution, and color.

7. *Position Light System Installation.*

a. *Location.* In determining whether forward position lights have been "spaced laterally as far apart as practicable," and whether the rear position light has been "mounted as far aft as practicable," as required by the

FAR's, each installation may be evaluated for special considerations. Examples of special consideration are:

(1) Would the number of malfunctions be significantly increased due to increased vibration or other environmental conditions if the lights were spaced farther apart, or mounted farther aft?

(2) Would accessibility for maintenance be significantly reduced if the lights were spaced farther apart or farther aft?

b. *Rear Position Light Obstructions.* A small light obstruction is permitted within dihedral angle A (aft) described in § .1387(d) of Parts 23, 25, 27, and 29. That obstruction is limited in size to 0.04 steradian and in position to the 30° cone described in § .1387(e) of Parts 23, 25, 27, and 29 and shown in Figure 1. Measurements to show compliance with the regulations can be made on actual aircraft or on appropriate scale drawings. The following procedure is one means of showing compliance with the regulations:

(1) On the side view drawing, draw a line through the light center perpendicular to the aircraft longitudinal axis. Draw a second line upward through the light center to the most aft point on the vertical stabilizer. The angle Z between the two lines is limited by the airworthiness rules to 30°. Figure 1 shows an example of angle Z.

(2) On the rear view drawing, draw angle W which is formed by two lines drawn upward from the light center to the maximum right and left obstructions within angle Z. When a protrusion causes a very small zone of obstruction it may be discounted unless total obstructions are near the regulatory limit. When a rear view drawing is not available, a combination of other drawings or measurements on the actual aircraft can be used to determine angle W.

(3) Multiply angle Z degrees by angle W degrees to obtain the amount of obstruction in square degrees. The method is conservative, as obstructions as wide as angle W may not exist throughout angle Z. Convert the measurement to steradians by dividing the square degree value by 3284. The number 3284 is a conversion factor to obtain steradians from square degrees.

8. *Anticollision Lights.*

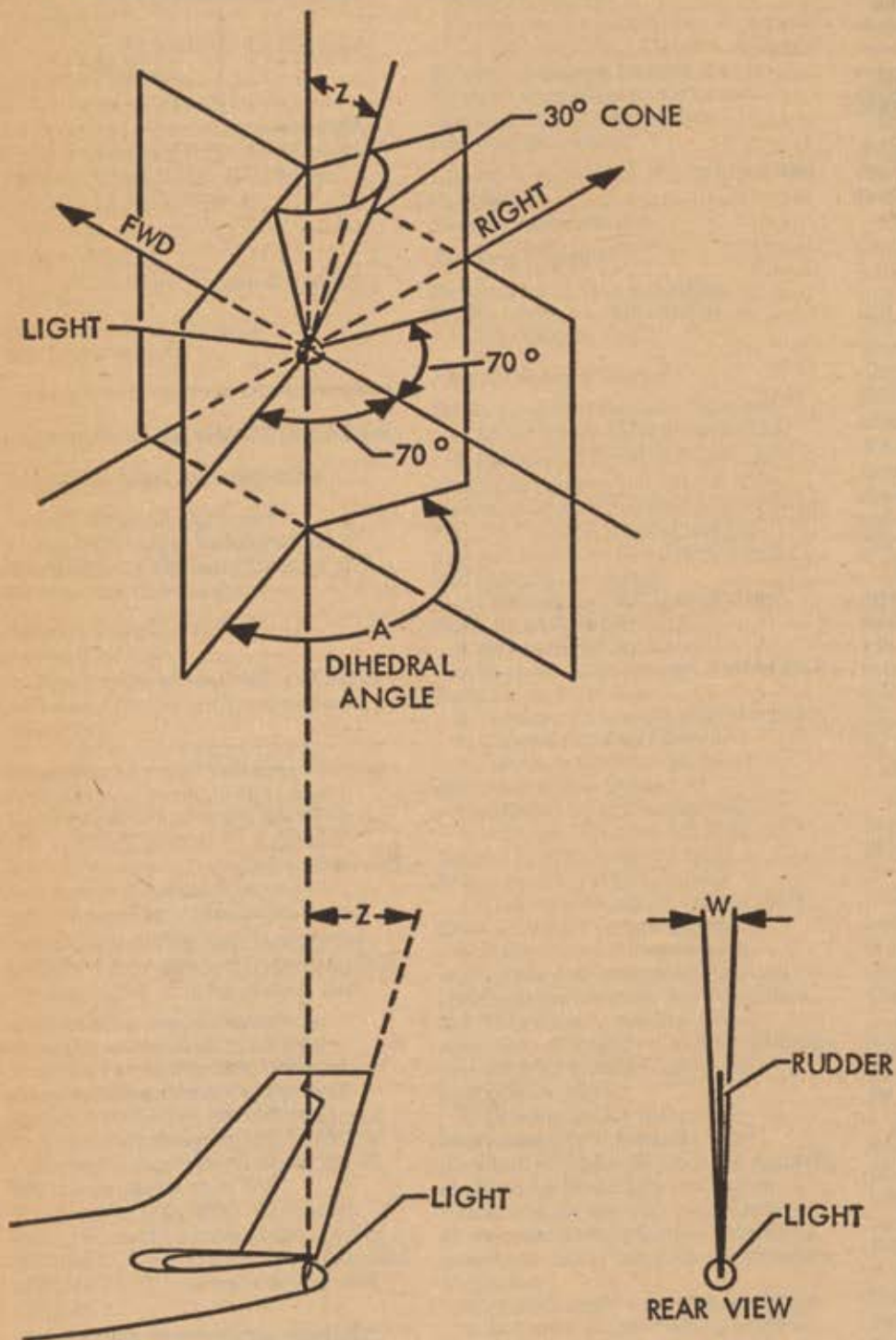
a. *Airworthiness Requirements.*

Appendix 1, Tables 1 through 4, summarize the airworthiness requirements for anticollision lights and lists them according to the applicable amendments to the CAR's/FAR's. The airworthiness requirements for a specific aircraft can usually be determined by entering the applicable table with the latest amendment shown for the certification basis in the aircraft's type certificate data sheet.

BILLING CODE 4910-13-M



FIGURE 1. REAR POSITION LIGHT OBSTRUCTIONS



b. *Operational Requirements.* Some airworthiness requirements have been made retroactive by Amendment 91-90, which amended § 91.33(c)(3) of the FAR. The term "initially installed" used in this section refers to new installations based on newly-approved design data or any installation which includes a major change as defined in FAR 21.93(a) to the previously approved design data. In effect, new designs which have had no previous FAA approval are considered initially installed systems. Anticollision light installations approved by Major Repair and Alteration (Airframe, Powerplant, Propeller, or Appliance), FAA Form 337, supplemental type certificate or amended type certificate prior to August 11, 1971, may be duplicated on like make and model aircraft without being considered initially installed.

c. *Obstruction Measurements.* When anticollision light obstructions are allowed within the required field of coverage, measurements on shadows, scale drawings or actual aircraft can be used to substantiate that solid angles of obstruction do not exceed regulatory limits. When masking is used to prevent

the impairment of crew vision, the mask becomes an additional light obstruction. The amount of obstruction caused by the mask depends not only on the physical size of the mask, but also on the type and size of the light source. With rotating beacons, the mask obstruction may be slightly larger than indicated by the physical size of the mask. This condition results from the lack of a sharp cutoff of light at the mask edges. As the reflector rotates, there is a gradual reduction of light near the mask edges due to the relatively large size of the light source. Accurate measurement of mask obstruction can best be accomplished during the laboratory measurement of intensity and field of coverage. Otherwise, total obstructions measured very near the regulatory limit may actually exceed that limit.

d. The following procedures refer to the example shown in Figure 2. Scale drawings and measurements from the light unit are used in substantiating compliance with the anticollision light requirements. The procedure with variations can be applied to other aircraft. Variations include other shapes

and vertical coverage requirements. The procedure converts scale drawing obstructions to a plot of horizontal versus vertical degrees where area units become square degrees. By counting the squares within obstructions and converting the sum to steradians, compliance can be shown. Scale drawings should be large enough to assure reasonable accuracy in the measurements. For the example, the vertical coverage requirement is $\pm 30^\circ$.

(1) *Fuselage and Wings.*

(i) *Point selection.* On the top view, establish enough points to adequately follow the shape of obstructions. In the example of Figure 2, seven points are established and numbered to represent the left half of the fuselage and the left wing. Because of symmetry, measurements are limited to one side, and the measured obstructed area is doubled to account for the other side of the aircraft. Additional obstructions, not represented by the seven numbered points, include mask, wing struts, landing gear, and rudder. These additional obstructions are considered separately.

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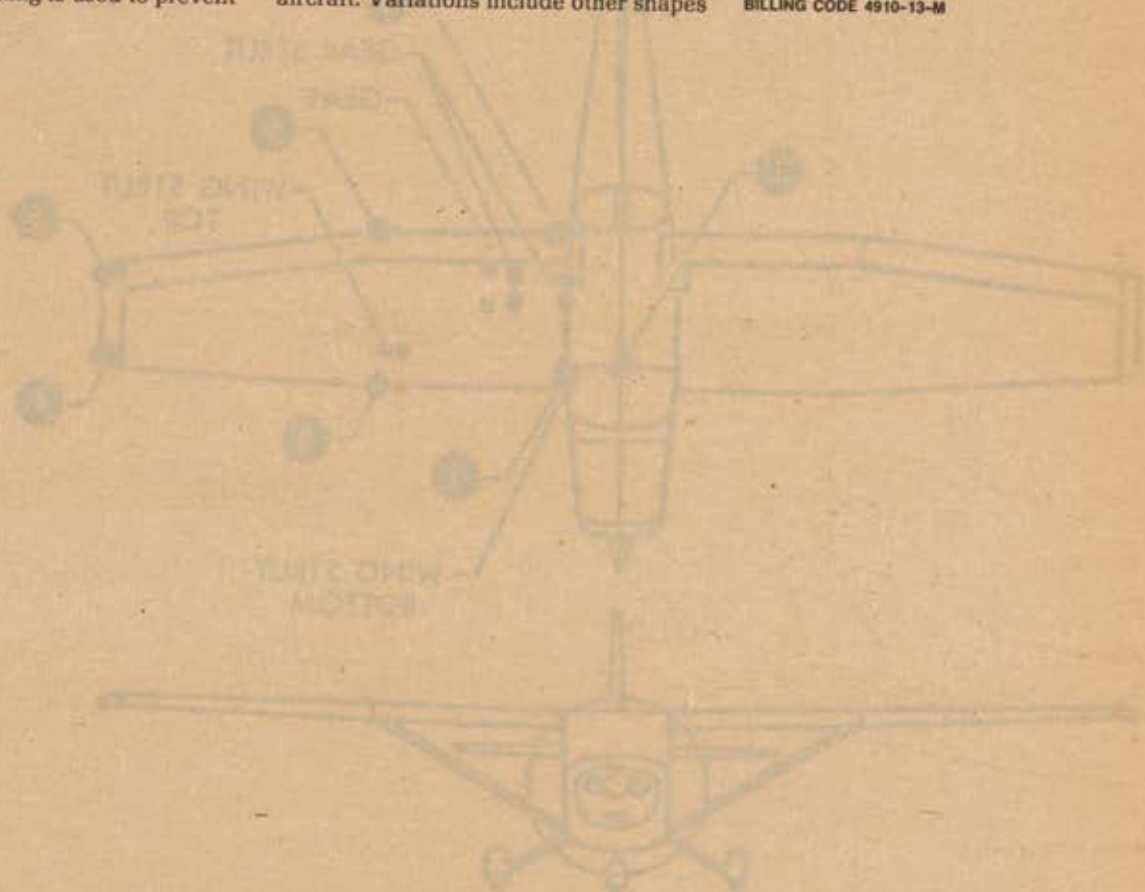
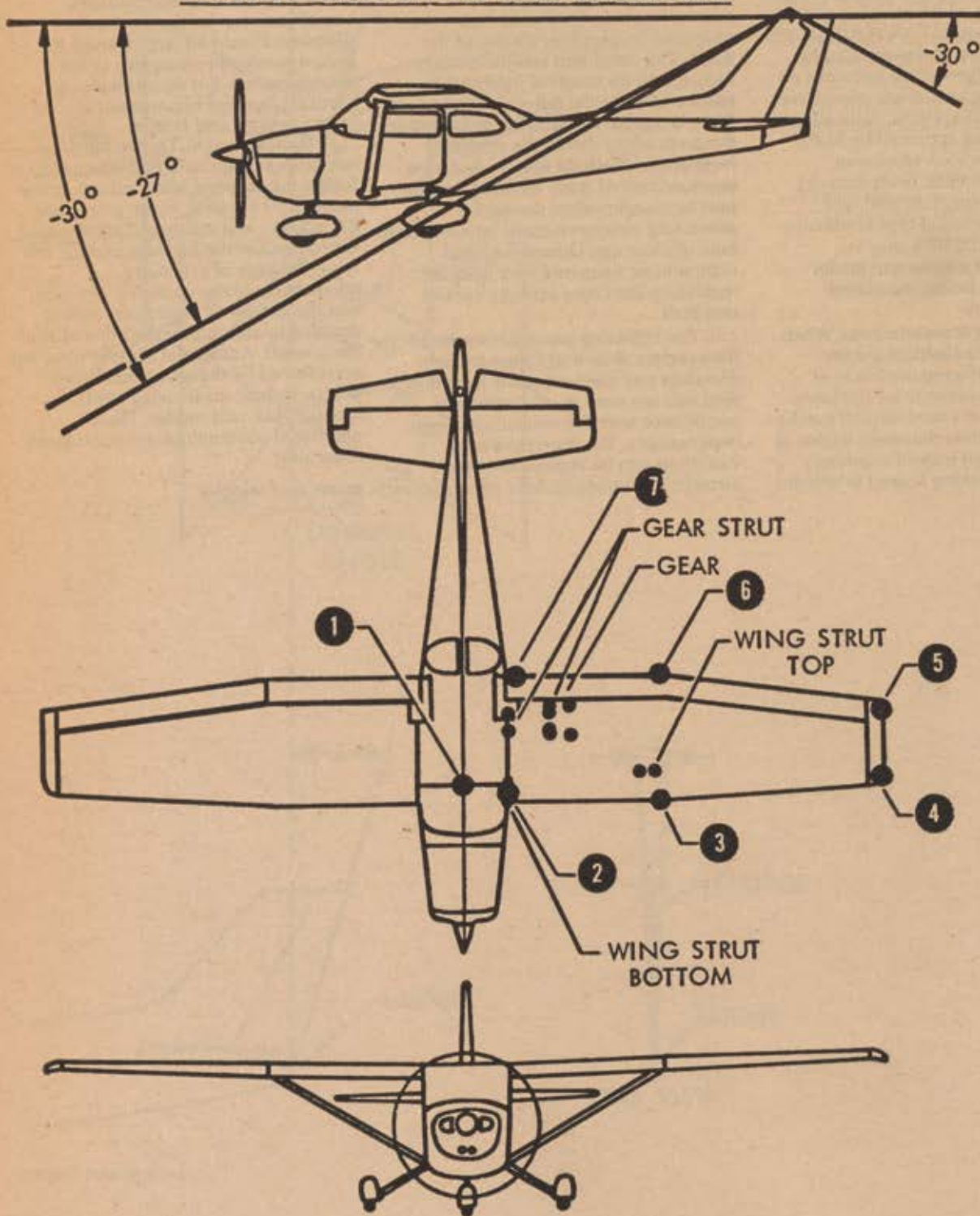


FIGURE 2. ANTICOLLISION LIGHT OBSTRUCTIONS



(ii) *Horizontal angles.* On the top view of Figure 2, measure the horizontal angles between the aircraft centerline and lines connecting the anticollision light center to the numbered points.

(iii) *Vertical angles.* On the side view of Figure 2, measure the vertical angles from the horizontal plane passing through the anticollision light center to lines connecting the light center to the numbered points.

(iv) *Tabulation.* Tabulate the measured horizontal and vertical angles as shown in Table 1.

Note.—In lieu of direct angle measurements, distance measurements may be used to calculate the angles using trigonometry relationships.

(2) *Wing strut angles.* On the top view of Figure 2, establish right and left points for the strut top and fore and aft points for the strut bottom. Horizontal angles for the strut bottom points are

approximately equal. Measure the horizontal and vertical angles to the four points and tabulate as shown in Table 1.

(3) *Main gear fairing.* On the top of Figure 2, establish four points for the main gear fairing obstruction. The rear obstruction limit is the -30° vertical coverage requirement, and the forward obstruction extends to vertical angles of -27° . The effect of wheel fairing rounding is slight and is neglected. Measure the horizontal angles to the four points, and tabulate as shown in Table 1.

(4) *Main gear strut.* On the top view of Figure 2, establish four points for the main gear strut. Measure the horizontal and vertical angles to the four points, and tabulate as shown in Table 1.

(5) *Rudder obstructions.* On the side view of Figure 2, rudder obstructions occur aft of the anticollision light while all other obstructions are forward. Therefore, it is practical to measure

rudder obstructions independently. On the side view of Figure 2, the rudder obstructs for 30 vertical degrees. On the top view, the obstruction is 3 horizontal degrees on the left side. The left side rudder obstruction is 90 square degrees; i.e., $30^\circ \times 3^\circ = 90$ square degrees.

(6) *Calculating obstructions.* The graph of Figure 3 shows plotting of the collected data of Table 1 as vertical degrees versus horizontal degrees. Each square is equal to one square degree so that obstructions can be measured by counting squares. Obstruction areas can be counted in zones bounded by vertical lines through the numbered points. Table 2 shows the counts including the rudder obstruction which was measured independent of the graph. Square degrees are converted to steradians by dividing by 3284.

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TABLE 1. OBSTRUCTION POINT ANGLES

<u>OBSTRUCTION</u>	<u>POINT</u>	<u>HORIZONTAL ANGLE</u>	<u>VERTICAL ANGLE</u>
Wing/Fuselage	1	0°	-7.5°
	2	7°	-7.0°
	3	25°	-5.5°
	4	47°	-7.5°
	5	52°	-12°
	6	32°	-13°
	7	8°	-12°
Strut	Top Right	22°	-8.5°
	Top Left	24°	-9.0°
	Bottom Upper	7°	-22°
	Bottom Lower	7°	-23.5°
Gear	Front Right	12°	-27°
	Front Left	15.5°	-27°
	Rear Right	13°	-30°
	Rear Left	16.5°	-30°
Gear Strut	Top Front	8°	-24°
	Top Rear	8°	-25°
	Bottom Front	13°	-28.5°
	Bottom Rear	13°	-29.5°
Mask (Positioned to eliminate reflections from prop)	Top Centerline	0°	-10°
	Top Left	10°	-10°
	Bottom Centerline	0°	-30°
	Bottom Left	10°	-30°

AC 20-30B

FIGURE 3. ANTICOLLISION LIGHT OBSTRUCTED AREAS

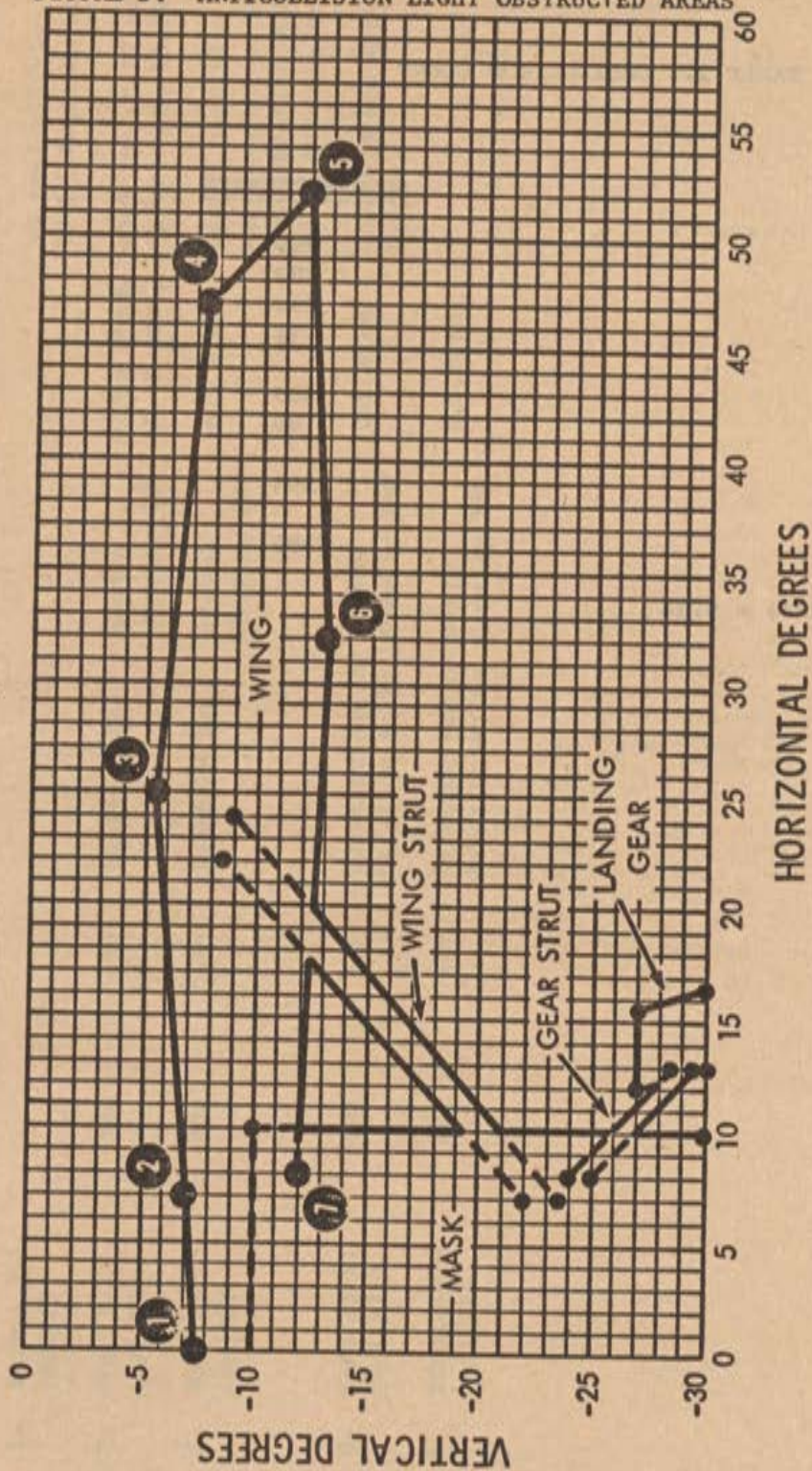


TABLE 2. OBSTRUCTION COUNT

<u>ZONE</u>	<u>SQUARE DEGREES</u>
Point 1 to Point 2	159
Point 2 to Point 3	198
Point 3 to Point 4	132
Point 4 to Point 5	<u>14</u>
Total Graph	503
Rudder	<u>90</u>
Total Left Side	593
TOTAL AIRPLANE	1186

Steradians: $(1186/3284) = 0.36$

AC 20-30B
Appendix 1

TABLE 1. FAR 23/CAR 3

<u>APPLICABLE AMENDMENTS</u>	<u>INTENSITY (CANDLES)</u>	<u>VERTICAL COVERAGE</u>	<u>COLOR SPECS.</u>	<u>FLASH RATE</u>	<u>LIGHT OBSTRUCTION</u>	<u>REMARKS</u>
1. Before 3-1 (4/1/57)						No Anticollision Light Requirements
2. Thru 3-1 (4/1/57)	100	+30	Aviation Red	40-100 Overlap 180	0.03 STER. 0.15 STER.	Position of Allowable Obstruction Limited
3. Thru 3-7 (5/3/62)	100	+30	Aviation Red	40-100 Overlap 180	0.5 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
4. Thru 23-11 (8/11/71)	400	+30	Aviation Red or Aviation White	40-100 Overlap 180	0.5 STER.	New Aviation White Limits
5. Thru 23-20 (9/1/77)	400	+75	Aviation Red or Aviation White	40-100 Overlap 180	0.5 STER.	

AC 20-30B
Appendix 1

TABLE 2. FAR 25/CAR 4b

<u>APPLICABLE AMENDMENTS</u>	<u>INTENSITY (CANDLES)</u>	<u>VERTICAL COVERAGE</u>	<u>COLOR SPECS.</u>	<u>FLASH RATE</u>	<u>LIGHT OBSTRUCTION</u>	<u>REMARKS</u>
1. Before 4b-8 (5/16/53)						No Anticollision Light Requirements
2. Thru 4b-8 (5/16/53)			If Used Aviation Red	If Used 40-100		If Used, On-Off ratio Not less than 1:75
3. Thru 4b-3 (3/13/56)			If Used Aviation Red	If Used 40-100		If Used, On-Off ratio Not less than 1:75 If Extra Light Installed, No Flash Rate Limit in Overlaps
4. Thru 4b-4 (4/1/57)	100	+30	Aviation Red	40-100 Overlap 180	0.03 STER. 0.15 STER.	Position of Allowable Obstruction Limited FAR 91.33(c)(3) requirements except that aviation white color acceptable
5. Thru 25-27 (8/11/71)	400	+30	Aviation Red or Aviation White	40-100 Overlap 180	0.03 STER. 0.15 STER.	New Aviation White Limits
6. Thru 25-41 (9/1/77)	400	+75	Aviation Red or Aviation White	40-100 Overlap 180	0.03 STER. 0.15 STER.	

AC 20-30B
Appendix 1

TABLE 3. FAR 27/CAR 6

<u>APPLICABLE AMENDMENTS</u>	<u>INTENSITY (CANDLES)</u>	<u>VERTICAL COVERAGE</u>	<u>COLOR SPECS</u>	<u>FLASH RATE</u>	<u>LIGHT OBSTRUCTION</u>	<u>REMARKS</u>
1. Before Part 6 (4/1/57)						No Anticollision Light Requirements
2. Thru 6-1 (4/1/57)	100	+30	Aviation Red	40-100 Overlaps 180	0.03 STER.	
3. Thru 6-5 (5/3/62)	100	+30	Aviation Red	40-100 Overlaps 180	0.05 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
4. Thru 27-6 (8/11/71)	400	+30	Aviation Red or Aviation White	40-100 Overlaps 180	0.5 STER	New Aviation White Limits
5. Thru 27-10 (2/5/76)	150	+30	Aviation Red	40-100 Overlaps 180	0.5 STER.	Aviation White not acceptable

AC 20-30B
Appendix 1

TABLE 4. FAR 29/CAR 7

<u>APPLICABLE AMENDMENTS</u>	<u>INTENSITY (CANDLES)</u>	<u>VERTICAL COLOR COVERAGE SPECS.</u>	<u>FLASH RATE</u>	<u>LIGHT OBSTRUCTION</u>	<u>REMARKS</u>
1. Before Part 7 (8/1/56)	None	None	None	None	No Anticollision Light Requirement
2. Adopt. Part 7	None	None	None	None	Approved Anticollision Light Required
3. Thru 7-1 (4/1/57)	100	+30 Aviation Red	40-100 Overlaps 180	0.03 STER.	Obstruction Position Not limited
4. Thru 7-5 (5/5/62)	100	+30 Aviation Red	40-100 Overlaps 180	0.5 STER.	FAR 91.33(c)(3) requirements except that aviation white color acceptable
5. Thru 29-7 (8/11/71)	400	+30 Aviation Red or Aviation White	40-100 Overlaps 180	0.5 STER.	New Aviation White Limits
6. Thru 29-11 (2/5/76)	150	+30 Aviation Red	40-100 Overlaps 180	0.5 STER.	Aviation White not acceptable

Dowty Rotol Models (c) R.321 and (c) R.324 Propellers; Certification and Availability of Documents

The formal certification process for the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers initiated in November 1980 was completed April 3, 1981.

The Director of the FAA Great Lakes Region has reviewed a document entitled "Decision Basis for the Type Certification of the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers." Based on this summary of the certification process, the Director has approved issuance of Type Certificate P61GL dated April 13, 1981.

A copy of the "Decision Basis for the Type Certification of the Dowty Rotol Models (c) R.321 and (c) R.324 Propellers" is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of Type Certificate P61GL. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. Copies of the report may be obtained from the Director, FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018.

Issued in Des Plaines, Illinois on May 22, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-16863 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Dawson County, Nebraska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Gothenburg, Dawson County, Nebraska.

FOR FURTHER INFORMATION CONTACT:

Walter Running, Program Support Engineer, FHWA, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471-5527. Gerald Grauer, Project Development Engineer, Nebraska Department of Roads, P.O. Box 94759, Lincoln, Nebraska 68509, Telephone: (402) 473-4795.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nebraska Department of Roads (NDOR), will prepare an environmental impact

statement for a proposed project to provide a viaduct over the Union Pacific Railroad tracks on State Highway N-47, in Gothenburg, Dawson County, Nebraska. The proposed project consists of the construction of an overpass structure and related approach roadways with an overall length of approximately one mile. The proposed project is deemed necessary to provide for vehicle traffic movement without the delays caused by coal and freight train movements through Gothenburg.

Alternatives under consideration include (1) taking no action; and (2) constructing the proposed project.

Public information meetings were held in Gothenburg, on February 18, 1980 and on March 5, 1981 to discuss the concerns of the immediate community and the general public. No formal scoping meeting is planned at this time. A public hearing will be held after the Environmental Impact Statement has been made available for public and agency review and comment. Public notice will be given of the time and place of the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action should be directed to the FHWA or the NDOR at the address provided above.

(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 on: May 28, 1981.

Walter M. Running,

Program Support Engineer, Nebraska Division, Federal Highway Administration, Lincoln, Nebraska.

[FR Doc. 81-16720 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-14; Notice 1]

International Harvester Company; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

International Harvester Company of Fort Wayne, Indiana, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle

Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 and Table 2 of Standard No. 101-80 require that certain internal displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Harvester estimates that it has produced approximately 200 trucks since September 1, 1980 in which the headlamp switch is identified only by the word "LIGHTS", compliant with Standard No. 101, but noncompliant with Standard No. 101-80. Harvester argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of International Harvester Company described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: July 8, 1981.
(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 1, 1981.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 81-16852 Filed 6-5-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Treasury Announces Public Meeting To Discuss U.S.A.-Pakistan Tax Treaty Issues on July 7, 1981

The Treasury Department announced that it will hold a public meeting on July 7, 1981, to solicit the views of interested persons regarding issues being considered during negotiations of a new income tax treaty between the United States and Pakistan.

The public meeting will be held at the Treasury Department, at 1:30 p.m., in room 4426. Persons interested in attending are requested to give notice in writing by June 29, 1981, of their intention to attend. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The July public meeting follows the recent conclusion of the second round of the negotiations between representatives of the United States and Pakistan to develop a new income tax treaty for the avoidance of double taxation and the prevention of tax evasion. The new treaty would replace the income tax treaty presently in effect between the United States and Pakistan which was signed in 1957.

In the course of the recent negotiations, many subjects of mutual concern were identified and discussed. Among the major issues being considered are: taxation of corporations organized in one country but managed or controlled in the other country; taxation of dividends, interest, and royalties; the rules relating to permanent establishments; the taxation of income from the operation of ships and aircraft; the taxation of capital gains; and the taxation of various forms of personal service income.

The Treasury seeks the views of interested persons in regard to the full range of income tax treaty issues, as well as other matters that may have relevance to an income tax treaty between the United States and Pakistan. The July 7 public meeting will provide an opportunity for an exchange of views, and will permit discussion of the United States position in regard to the issues presented.

Dated: June 1, 1981.

John E. Chapoton,
Assistant Secretary (Tax Policy).

[FR Doc. 81-16834 Filed 6-5-81; 8:45 am]

BILLING CODE 4810-25-M

Treasury Announces Public Meeting To Discuss U.S.A.-Sri Lanka Tax Treaty Issues on July 7, 1981

The Treasury Department announced that it will hold a public meeting on July 7, 1981, to solicit the views of interested persons regarding issues being considered during negotiations of an income tax treaty between the United States and Sri Lanka.

The public meeting will be held at the Treasury Department, at 3:30 p.m., in room 4426. Persons interested in attending are requested to give notice in writing by June 29, 1981, of their intention to attend. Notices should be addressed to Joel Rabinovitz, Deputy International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The July public meeting follows the recent conclusion of the first round of negotiations between representatives of the United States and Sri Lanka to develop an income tax treaty for the avoidance of double taxation and the prevention of tax evasion. There is presently no treaty in effect between the United States and Sri Lanka.

In the course of the recent negotiations, many subjects of mutual concern were identified and discussed. Among the major issues being considered are: taxation of dividends, interest and royalties; rules relating to permanent establishments; the taxation of income from the rental of tangible personal property; and the taxation of income from the operation of ships and aircraft.

The Treasury seeks the views of interested persons in regard to the full range of income tax treaty issues, as well as other matters that may have relevance to an income tax treaty between the United States and Sri Lanka. The July 7 public meeting will provide an opportunity for an exchange of views, and will permit discussion of the United States position in regard to the issues presented.

Dated: June 1, 1981.

John E. Chapoton,
Assistant Secretary (Tax Policy).

[FR Doc. 81-16835 Filed 6-5-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Education Loans for Flight Training

AGENCY: Veterans Administration.

ACTION: Request for public comments.

SUMMARY: The Veterans Administration is publishing for public comment statements of procedures which have been adopted by the agency in order to implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, educational institutions and the public at large with the way these provisions will be implemented.

DATE: Comments must be received on or before July 8, 1981.

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

Comments will be available for review at the above address during normal business hours until July 20, 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, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: This publication contains Appendix E to DVB Circular 22-80-39. This appendix implements the provisions of the Veterans Rehabilitation and Education Amendments of 1980 dealing with giving education loans to veterans in flight training. It has been distributed through normal channels. The Veterans Administration is implementing the procedures contained in the appendix. All comments received will be reviewed and used in changing the appendix, if necessary.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 20, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a 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: June 2, 1981.

D. Custis,

Acting Administrator.

DVB Circular 22-80-39

Appendix E

Department of Veterans Benefits,
Veterans Administration, Washington, D.C.
March 16, 1981.

VETERANS ADMINISTRATION EDUCATION LOANS FOR FLIGHT TRAINING

1. *Purpose.* This appendix provides instructions for implementing the provisions of Public Law 96-466 which amends 38 U.S.C. 1798 to allow loans for flight training.

2. *General.*

a. Pub. L. 96-46 authorizes the VA to grant education loans for enrollment in flight training for eligible students who will be reimbursed at 60 percent of the approved charges. Loans may not be made if reimbursement will be made at the 90 percent rate. Current procedures governing loans for institutional training will apply to loans for enrollments in flight training unless specified otherwise.

b. The following are major differences applying to loans for flight training.

(1) A waiver of the 6-month course length requirement for loans will be required for each flight course for which a loan is requested unless the school can show that the average student requires at least 6 months to complete the course. (See par. 5.)

(2) The length of time it will take an individual student to complete a course will generally not be known at the time of the application. Consequently, it must be estimated for each student. (See par. 6.)

(3) Flight training will be presumed to meet the attendance requirements of 38 U.S.C. 1662(a)(2) and 1798(c).

3. *Application.*

a. The claimant will apply for an education loan for flight training on VA Form 22-8725, Application for Education Loan, which must be received before completion of the particular flight course for which application is made. A separate application will be required for each course and for each segment of a course which lasts over 6 months.

b. The current loan application form does not contain information and instructions on loans for flight training. Until such time as a revised application is published, additional development will be necessary to ensure that adequate information, as specified in paragraph 13, is provided with the application.

4. *Eligibility—Basic Criteria.*

a. *Student Eligible for Educational Assistance.* If the delimiting date of the application has not expired, he/she must be otherwise eligible for reimbursement at the 60 percent rate and enrolled in an approved flight training course.

b. *Student Not Eligible for Educational Assistance (Post-Delimiting-Date Loans).* Loans may be granted for a maximum of 2

years after the student's delimiting date applying the same criteria as for loans for institutional programs.

(1) If the delimiting date has expired, the following additional criteria must be met:

(a) The student has unused entitlement;
(b) The student is enrolled in a flight course approved for VA benefit purposes within his/her flight program on the date his/her delimiting date occurred and was entitled to receive reimbursement at the 60 percent rate on that date;

(c) The student must have received some flight training in the flight program within the 6-month period before his/her delimiting date; and

(c) The student continues to be enrolled in the same flight program during the loan period that he/she was enrolled in on the date his/her delimiting date occurred.

(2) Unused entitlement may be used to establish loan eligibility until the earliest of the following:

(a) Two years from the student's delimiting date; or

(b) Until unused entitlement used to establish loan eligibility has been exhausted; or

(c) Until the approved flight program in which the student was enrolled on his/her delimiting date is completed.

(3) A post-delimiting date loan period for flight training cannot begin before October 1, 1980.

(4) Once qualified for an education loan after the delimiting date, enrollment in the same flight program is required to qualify for another loan during a subsequent loan period.

5. *Six-Month Course Length Requirement.*

a. An education loan may be granted to a veteran attending a course not organized on a term, quarter, or semester basis if that course requires at least 6 months to complete. Since flight training courses generally are not organized in terms of a specific number of months of attendance, it will be necessary for the flight school to establish that the individual flight course for which a loan is requested meets the 6-month requirement.

(1) The flight school may submit evidence in the form of an affidavit signed by the president, owner or chief official of the school which establishes that it generally takes 6 months or longer to complete the course. The evidence must be sufficient to clearly demonstrate that on the average it took at least 6 months for students (veterans as well as nonveterans) to complete the course during the past 2 years. No loans may be approved until the evidence is received.

(2) If it is established that a course meets the 6-month requirement for loan purposes, appropriate notice must be given to the Authorization activity. It will not be necessary for the school to submit the evidence as described above for subsequent loans for the same course unless requested by the VA.

(3) Note that "course," as used in this context, refers to the individual course a student may pursue, such as commercial pilot, instrument rating, or multiengine rating; all are separate courses.

b. If the flight school is unable to submit evidence to establish that the course meets

the 6-month requirement, a waiver of this requirement will be necessary before a loan can be considered for the flight course.

(1) A flight school may apply for a waiver to the Director of the VA regional office that has jurisdiction of the area where the school is located. The waiver application must be accompanied by an affidavit signed by the president, owner, or chief official of the school. The affidavit must certify all of the following:

(a) The percentage of students whose enrollments ended during the past 2 years who completed the flight course. This information may be established from the Occupational Graduate Employment Report (Schools), VA Form 22-8723, by dividing the entry on line 3 by the entry on line 1, and multiplying by 100;

(b) The percentage of all students (no exclusions for any reasons) completing the course over the past 2 years who obtained employment in the occupational category for which the flight course was designed to provide training or in a closely related occupation. This information may be established from VA Form 22-8723 by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100;

(c) The average length of the course. This may be obtained by determining the average time over the past 2 years that was necessary for students to complete the flight course. Students not completing the course will not be included in this computation;

(d) The percentage of all students currently enrolled in the flight school receiving VA educational benefits. Do not include students receiving training under Part 61 of FAA regulations.

2. The Director of the regional office will review waiver requests to determine if they meet all of the following requirements:

(a) The course completion rate has been 75 percent or more for the preceding 2 years. This amount can be obtained from VA Form 22-8723 by dividing the entry on line 3 by the entry on line 1, and multiplying by 100;

(b) Seventy-five percent or more of the graduates of the flight course during the preceding 2 years have gained employment in the occupation for which trained or in a closely related occupation. This may be obtained from VA Form 22-8723 by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100;

(c) The course requires at least 3 months to complete based on the average time that students needed to complete the course;

(d) The percentage of all students currently enrolled in the school receiving VA educational benefits does not exceed 35 percent. Do not include students receiving training under Part 61 of FAA regulations;

(e) The cumulative default experience on all VA educational loans made at the educational institution does not exceed 5 percent or 5 cases, whichever is greater. This may be determined from the station's current RCS 22-8, VA Education Loan Payment/Default Report. The percentage will be the total defaults divided by the total loans disbursed; and

(f) There have been no serious discrepancies discovered at the school by the State approving agency on supervisory visits or by the VA on compliance surveys during the previous 2 years.

(3) The application for waiver, other related information, and any decision based on the application will be made a part of the approval folder.

(4) If the above requirements have not been met, the regional office Director is authorized to deny requests for waiver. The denial letter to the school will state the reason for denial and advise the school that it may request an administrative review of the decision by Central Office within 1 year from the date of the denial letter. A copy of the denial letter will be filed in the approval folder. Such a request for review should be made to the regional office. If a request for review is received, the complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and final decision. The regional office will notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school.

(5) If the requirements of subparagraph (2) above have been met, the regional office will prepare a memorandum to the Field Director (225B). This memorandum will briefly summarize the findings and will recommend concurrence in the waiver request. The complete record, including the approval folder and the compliance survey file, will be sent to the Field Director (225B) along with the memorandum. The regional office will notify the school by letter when the record is forwarded to Central Office. The Central Office concurrence or nonconcurrence will be sent to the regional office Director for written notice to the school. If a waiver is granted, appropriate notice must be given the Authorization activity.

c. Applications for education loans from veterans attending flight courses will be disapproved unless the individual course meets the 6-month requirement or a waiver has been granted. The applicant will be given the reasons for the disapproval by dictated letter and informed as to the evidence the school may submit to meet these requirements if the school has not previously applied.

6. Loan Period.

a. Since there generally is no definite time for completing a flight course, the length of the course for each student must be estimated for loan purposes by the flight school and the student to arrive at a reasonable completion date for the course. This estimate will be independent of the course length for all students completing the course as described in the preceding paragraphs since each student may pursue flight training at a different rate. It will not be advantageous to the student to arrive at an estimated completion date for loan purposes that is significantly later than the date he/she is expected to complete the course. (See par. 8c.)

b. A single loan period for a particular flight course may not exceed 6 months. If the veteran does not complete the particular

course by the estimated completion date or within 6 months of the beginning of the loan period, whichever is earlier, he/she may apply for another loan for the course by submitting another loan application.

7. *Eligibility—Financial Criteria.* The applicant's income and expenses related to training are counted in a similar manner as loans for institutional training.

a. *Available Resources.* Income from sources such as estimated net income for the year, cash assets, family contributions, and non-VA financial assistance will be reported and counted as in claims for loans for other types of training. As with all education loans, reported resources should be examined as to the reasonableness of the amounts shown. The adjudicator or education clerk should develop for any reported resources that do not appear to be reasonable. For VA educational assistance, the applicant should report that portion of the total charges which the VA will reimburse for the flight training courses over the period to which the loan will apply.

b. Allowable Expenses.

(1) Only those expenses related to flight training will be included under Related Educational Expenses on the application. The expenses will be reported for the loan period. Books, supplies, commuting expenses, and other school-related expenses are allowable to the same extent as for loans for institutional training.

(2) The student may list charges for room and board in the same manner as for other institutional courses. Since most flight schools do not furnish room and board, the allowable amounts for these expenses may not exceed the room and board charges at the nearest State school or university which provides room and board. These amounts may be obtained or verified from current school catalogs and adjusted to correspond to the length of the flight course. If the flight school does furnish room and/or board, the school certifying official will provide the cost of these services on the application for the entire estimated length of the course. The allowable expenses may not exceed the room and board charges for the flight school.

(3) The school certifying official should report total charges for flight training that the student is expected to incur for the course.

8. Loan Amount.

a. Determining Loan Amount.

(1) *Income Computation.* Amounts reported for estimated current year net available taxable and nontaxable income will be multiplied by the appropriate factor according to the loan period as follows:

Period to which loan will apply (months)	Factor ¹
1-3	.25
4-5	.375
6	.50

¹ Factor by which income multiplied.

(2) Adjustment of Total Charges.

(a) The total charges for flight training and for room and board, if provided, reported for the length of the course must be adjusted if the estimated ending date of the course (item 15C on the application) is more than 6 months from the beginning date of the course. To

adjust the charges to a 6-month basis, divide 6 by the number of months of the course and multiply the fraction obtained by the total charges of the course. Portions of a month of 15 or more calendar days will be rounded to the next higher month; fewer than 15 days will be dropped. To the extent that the charges are used to compute the amount of the loan, that portion of the charges will not be used again in computing a subsequent loan for the same course.

(b) For example, if the flight school reports a 9 month course with total charges of \$6,000, charges of \$4,000 ($6/9 \times \$6,000$) can be counted as expenses for the first loan period; the remaining \$2,000 may be counted as expenses if a second loan is requested for the course.

(c) The veteran's income from VA educational assistance should not be less than 60 percent of the projected total flight charges unless he/she is no longer eligible for educational assistance.

(d) The flight charges that can be counted to compute the loan amount must be examined carefully if the veteran requests a second loan for the same flight course. Flight charges used to compute the amount for the initial loan for a course cannot be counted as expenses to compute a subsequent loan for the same course. For example, if approved charges for a flight course are \$8,000 and the veteran claims \$5,000 in flight charges for the initial loan, no more than \$3,000 can be allowed as charges for a second loan for that course.

(3) *Maximum Loan Amount.* For courses estimated to be less than 6 months in length, the maximum loan that may be granted is at the rate of \$270 per month. If the course is 6 months, the maximum loan amount for the period is \$1,660. Portions of a month of 15 or more calendar days will be rounded to the next higher month for computation purposes; fewer than 15 days will be dropped. However, a course of less than 15 days will be considered as 1 month. If the course is longer than 6 months, these criteria will be applied separately to each additional period of up to 6 months.

(4) *Absolute Maximum.* In addition to the limitations on the loan amount due to the length of the course, there are limitations based on the amount of the veteran's remaining entitlement to educational assistance. For loans for flight training under chapter 34, the loan amount may not exceed the amount obtained by multiplying \$302 (effective 10/1/80) times the number of months of remaining monthly entitlement. This rate was increased to \$317 times remaining monthly entitlement effective January 1, 1981. If a loan period begins before January 1, 1981, and ends on or after that date, each portion of the period will be computed at the rate appropriate for that period. The two amounts will be combined.

b. *Approved Loan Amount.* The approved loan amount will be the lesser of the following:

- (1) The amount needed;
- (2) The amount requested;
- (3) The maximum loan for the enrollment period (as computed according to subpar. a(3) above); or

(4) The absolute maximum (as computed according to subpar a(4) above).

c. *Adjustment of Approved Loan Amount.* Two loan periods for different courses may overlap if one course is completed and a loan request for a second course is received that covers a period beginning before the estimated completion date of the first course. The loan amount approved for the second course must be reduced to the extent that the actual loan amount due the student for the first course exceeds the amount paid. The following subparagraphs give an example of overlapping loan periods:

(1) The estimated length of the first course for which a loan is approved covers the period January 20, 1981, through April 10, 1981. The student actually completes the first course on March 12, 1981. The loan request for the second flight course covers the period March 16, 1981, through May 20, 1981.

(2) First, compute the loan amount for the second course. Second, recompute the loan amount for the first course by adjusting income and expenses for the actual length of the course and actual charges paid.

(3) If the recomputed loan amount for the first course is less than the loan amount paid for that course, deduct the difference from the loan amount approved for the second course. If the recomputed amount is equal to or greater than the amount paid, the full loan amount for the second course will be paid. NOTE: the amount of any loan granted will not be recomputed if the student completes a flight course before the estimated completion date except as provided in this subparagraph.

9. *Entitlement Accounting for Post-Delimiting-Date Loans.*

a. As in the case of institutional training, the Authorization activity must maintain a record of remaining entitlement used to establish loan eligibility. The entitlement remaining at the student's delimiting date will be reduced after payment of each loan by an amount equal to the number of months of entitlement that would be charged if the student had received reimbursement based on the rate of \$302 (effective 10/1/80) and \$317 (effective 1/1/81) during the period to which the loan applies.

b. For example, if the loan period is established as of January 10, 1981 through March 31, 1981, for course charges of \$6,000, the entitlement remaining to establish additional loan eligibility would be reduced by the amount of entitlement that would be charged on \$3,600 (60% of \$6,000). The entitlement is computed as follows: \$3,600 ÷ \$317 = 11.3565 or 11.25 mos. ent. chg. (round down to next lowest quarter month).

c. Entitlement charges for loan purposes normally will not be adjusted if the reimburseable charges are actually less than originally estimated. However, entitlement may be adjusted if the actual charges are less than estimated and if the loan for that period is fully repaid.

10. *Processing Loan Payments.*

a. Loan payments for flight training as in the case of institutional training, will be drawn in favor of the veteran and mailed to the flight school. The school will then deliver the check to the student as soon as practicable after it is received and certify to the VA that the check has been delivered.

b. The school will use VA Form 4-5220a, Certification of Delivery of Education Loan Payment, to verify that it delivered the loan payment to the veteran. This form will be mailed to the flight school with the loan payment. When the school delivers the loan payment to the veteran, the certifying official will verify this fact on the VA Form 4-5220a. The school will retain a copy of the certification for their records and will return the original to the VA regional office at the address shown on the certification.

c. The delivery of the loan payment by the school and the certification of the delivery will entitle the school to the advance payment reporting fee.

d. If a school does not choose to deliver loan payment checks, or if it is determined that the school cannot satisfactorily care for and deliver them, the loan payment checks will be mailed directly to the student.

11. *Loan Repayment.*

a. The grace period for repayment will begin when flight training is terminated or the date of last training, whichever is earlier. Further, if during any 3-month period, the veteran completes less than 10 hours of training (flight time, ground school, or a combination of both), the grace period will begin at the end of the third month. The Finance activity will review flight certifications monthly to determine whether or not repayment can be deferred. If the student is not receiving education benefits but has been granted an education loan, the flight school should continue to submit monthly flight certifications to the Finance activity for that student. Such certifications should be clearly marked "EDUCATION LOAN ONLY." Repayment will be deferred if the veteran continues in flight training beyond the loan period or enrolls in another type of approved training on a half-time or greater basis.

b. The Promissory Note, VA Form 22-8726, and FL 22-891 indicate that the period for repayment will not commence until the student reduces attendance to less than half time. Until these forms are revised, indicate on the FL 22-891 or other dictated letter which is sent as cover letter to the Promissory Note that repayment of the loan will begin 9 months after flight training is terminated or at the end of a 3-month period if less than 10 hours of flight training are completed.

12. *Statistics.*

a. The following items will be added to the VA Education Loans report (RCS 22-10):

- (1) Number of flight training loan applications received during current quarter;
- (2) Number of flight training loan applications approved during current quarter;
- (3) Number of flight training loan applications denied during current quarters;
- (4) Number of post-delimiting-date flight training loan applications received during current quarter;
- (5) Number of post-delimiting-date flight training loan applications approved during current quarter; and
- (6) Number of post-delimiting-date flight training loan applications denied during current quarter.

b. The number of flight loan applications will not be included in the statistics now

reported for applications for institutional training in the RCS 22-10.

c. The number of post-delimiting-date flight training loan application (Items 4)-(6) above) will not be included in the statistics for the number of other flight training loan applications (Items 1)-(3) above).

d. The statistics for loans for flight training for the quarter ending December 31, 1980, should be delayed and reported along with the statistics for loans for the quarter ending March 31, 1981. However, stations will report statistics for flight training loans for the quarter ending December 31, 1980, separately from the statistics for flight training loans for the quarter ending March 31, 1981.

13. *Information to Accompany Application.* Until a revised application is published to accommodate loan applications for flight training, the adjudicator or education clerk will ensure that the following information and instructions relating to flight training are provided with loan applications:

a. Instruction 2A: Inform the applicant that to be eligible for an education loan, he/she must be receiving or eligible to receive VA education benefits for reimbursement at 60% of authorized charges for enrollment in an approved flight course.

b. If the applicant's delimiting date has expired or will expire within a short time, he/she should be informed of the requirements for post-delimiting-date loans as explained in paragraph 4b of this circular.

c. Instruction 2C(1): A loan cannot be granted in an amount to exceed the applicant's months of entitlement remaining as of the beginning date of the loan period multiplied by \$302 effective October 1, 1980, and \$317 effective January 1, 1981.

d. Instruction 2C(3): For a flight course the maximum loan period for a single loan is 6 months although the applicant may reapply for a subsequent loan for the same course if the course has not been completed within 6 months or is scheduled to last for more than 6 months.

e. Instruction 2C(3)(B): The maximum loan amount is \$270 per month of enrollment for loan periods of less than 6 months. For a loan period of 6 months, the maximum is \$1,660.

f. Instruction 3A-Item 9: Inform the Applicant to indicate "Flight" in this item. In item 9f, indicate the period for which the loan is requested, but not to exceed 6 months.

g. Instruction 4-Item 15A: The school will also provide the name of the course for which the loan is to apply.

h. Instruction 4-Items 15B and D: These items need not be completed.

i. Instruction 4-Item 15C: The school will indicate the beginning date of the flight course and the date the applicant is expected to complete the course.

j. Instruction 4-Item 15E: Request the school to provide the total charges for flight training that the applicant is expected to incur for the course. The items for "Room and Board" should be completed only if the school provides and charges for room and/or board. The amounts for total charges for flight training and for room and/or board will be reported for the entire course, not for the loan period indicated in item 9f.

14. *Responsibilities of Education Liaison Representatives.* Education Liaison Representatives should inform flight schools of the provisions of this appendix. Particularly they should assist flight schools in developing the evidence on course length and on waiver of the course length requirement specified in paragraph 5.

Dorothy L Starbuck,
Chief Benefits Director.

[FR Doc. 81-10060 Filed 6-5-81; 8:45 am]

BILLING CODE 8320-01-M

Fort Snelling National Cemetery, St. Paul, Minnesota; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential cumulative environmental impacts that may occur as a result of the implementation of various projects included in the conceptual master plan for the Fort Snelling National Cemetery, St. Paul, Minnesota.

The conceptual master plan includes projects to develop more gravesite area, refine the entrance gate, provide an administration/service building complex and upgrade the landscape and grounds maintenance. These projects will be phased in design and construction over a several year span. As the master plan is conceptual in scope, the individual

projects are not totally designed and each is flexible in terms of exact size, location and timing.

Long term impacts associated with the implementation of the master plan include the development of approximately 300 acres acquired from the U.S. Army. This site existed as an unutilized/abandoned military installation, so in effect the VA is recycling existing Federal property. The National Cemetery will be carefully designed to provide a sensitive setting for the burial of eligible veterans and their dependents.

Short term impacts associated with this proposed development will include the impacts related to construction; airborne particulates, noise, erosion, traffic and visual impacts. These temporary impacts will be mitigated through the application of the VA's environmental protection construction specification. These specifications will require the contractor to provide measures to eliminate or reduce soil erosion through proper engineering techniques, maintain equipment at proper levels to insure against excessive engine emissions and noise, control dust, and maintain the construction site in a professional condition to eliminate negative visual impacts.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW, Washington, DC, (202) 389-2526. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: June 2, 1981.

Donald L. Custis,
Acting Administrator.

[FR Doc. 81-16853 Filed 6-5-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 109

Monday, June 8, 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).

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1

FEDERAL ENERGY REGULATORY COMMISSION.

June 3, 1981.

TIME AND DATE: 10 a.m., June 10, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday June 10, 1981. The gas agenda will be considered on Thursday June 11, 1981.

Consent Power Agenda—492nd Meeting, June 10, 1981, Regular Meeting (10 a.m.)

- CAP-1. Project No. 4057, Commonwealth of Pennsylvania and Susquehanna River Basin Commission
- CAP-2. Docket No. ER81-368-000, Detroit Edison Co., Consumers Power Co. and Indiana & Michigan Electric Co.
- CAP-3. Docket Nos. ER80-373 and ER80-549, Arkansas Power & Light Co.
- CAP-4. Docket No. ER80-717, Connecticut Yankee Atomic Power Co.
- CAP-5. Docket No. ER81-48-000, Indiana & Michigan Electric Co.
- CAP-6. Docket No. ER80-214, Pacific Gas & Electric Co.
- CAP-7. Docket No. EL80-25, Village of Winnetka, Illinois v. Commonwealth Edison Co.

Consent Miscellaneous Agenda

- CAM-1. Docket No. RM81- , Revision of Form No. 80—Licensed Projects Recreation Report
- CAM-2. Docket No. RM79-76 (Colorado—3), high-cost gas produced from tight formations
- CAM-3. Docket No. RM79-76 (Louisiana—3), high-cost gas produced from tight formations
- CAM-4. Docket No. RM79-76 (Louisiana—4), high-cost gas produced from tight formations
- CAM-5. Docket No. GP80-2, Spradling Drilling Co.
- CAM-6. Docket No. GP81- , Railroad Commission of Texas, Section 102 Determination, Paul E. Cameron, Jr., Inc., R. Chance No. 1 Well, FERC Control No. JD80-40279

Consent Gas Agenda

- CAG-1. Docket No. RP81-62-000, National Fuel Gas Supply Corp.
- CAG-2. Docket No. RP80-140, Columbia Gas Transmission Corp.
- CAG-3. Texas Eastern Transmission Corp.
- CAG-4. Docket No. RP81-23-000, El Paso Natural Gas Co.
- CAG-5. Docket No. CI81-201-000, Diamond Shamrock Corp.; Docket No. CI81-196-000, Sonat Exploration Co.; Docket No. CI81-130-000, Getty Oil Co.
- CAG-6. Docket No. CI78-968, United Gas Pipe Line Co.
- CAG-7. Docket Nos. RP72-99 and TC79-6 (compensation), Transcontinental Gas Pipe Line Corp.
- CAG-8. Docket No. CP80-211, Florida Gas Transmission Co. and Southern Natural Gas Co.
- CAG-9. Docket Nos. CP78-123, et al., Northwest Alaskan Pipeline Co.
- CAG-10. Docket No. CP80-342, United Gas Pipe Line Co.
- CAG-11. Docket No. CP80-475, Montana-Dakota Utilities Co.
- CAG-12. Docket No. CP81-56-000, Montana-Dakota Utilities Co.
- CAG-13. Docket No. CP81-79-000, Natural Gas Pipeline Co. of America, Columbia Gulf Transmission Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
- CAG-14. Docket No. CP81-87-000, Northern Natural Gas Co., Division of Internorth, Inc.
- CAG-15. Docket No. CP81-106-000, Columbia Gas Transmission Corp.
- CAG-16. Docket No. CP81-129-000, Texas Gas Transmission Corp.
- CAG-17. Docket No. CP81-153-000, Columbia Gas Transmission Corp.
- CAG-18. Docket No. CP81-161-000, Columbia Gulf Transmission Co.
- CAG-19. Docket No. CP81-198-000, National Fuel Supply Corp.
- CAG-20. Docket No. CP81-271-000, Columbia Gas Transmission Corp.

Regular Power Agenda

I. Licensed Project Matters

- P-1. Project No. 3238, Marsh Island Hydro Associates; Project No. 3323, Bangor Hydro-Electric Co.

II. Electric Rate Matters

- ER-1. Docket No. ER78-338 (phase I and phase II), Public Service Co. of New Mexico

Regular Miscellaneous Agenda

- M-1. Reserved
- M-2. Reserved
- M-3. Docket No. RM79-76 (Colorado—10), high-cost gas produced from tight formations

Regular Gas Agenda

I. Pipeline Rate Matters

- RP-1. Reserved

II. Producer Matters

- CI-1. Docket No. G-3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

- CP-1. Docket No. CP78-532, Ozark Gas Transmission System
- CP-2. Docket No. CP74-92 (Remand), Micc, Inc.

Kenneth F. Plumb,
Secretary.

[S-890 Filed 6-4-81; 9:17 am]

BILLING CODE 6450-95-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 30023, Thursday, June 4, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, June 4, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, June 4, 1981.

Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juneau, Alaska
No. 497, June 4, 1981.

[S-891-81 Filed 6-4-81; 10:02 am]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

- City of Chicago Home Improvement Loan Program
 - Recommendation for Designation of Robert C. Albanese as Supervisory Agent, FHL Bank of New York
 - Purchase of an Insurance Agency by the Wholly-Owned Service Corporation of—Athens Federal Savings & Loan Association (Federal Mutual) Athens, Georgia
 - Application to Exercise Trust Powers—Rossville Federal Savings & Loan Association, Rossville, Georgia
 - Application for Bank Membership—Coastal Savings Bank (Mutual), Portland, Maine
 - Application For Insurance of Accounts—Citizens Building & Loan Association, Plaquemine, Louisiana (Uninsured, Non-Member Mutual)
 - Request for Further Extension of Time for Completion of Organization—Houston Federal Savings & Loan Association, Warner Robins, Georgia
 - Merger—Crystal City Savings & Loan Association, Crystal City, Missouri into Community Federal Savings & Loan Association, St. Louis, Missouri
 - Service Corporation Application—Alaska Federal Savings & Loan Association of Juneau, Juneau, Alaska
- No. 496, June 4, 1981.
[S-892-81 Filed 6-4-81; 10:03 am]
BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD.**"FEDERAL REGISTER" CITATION OF**

PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, June 11, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, June 11, 1981.

Application for Bank Membership—Coastal Savings Bank (Mutual), Portland, Maine
No. 498, June 4, 1981.

[S-894-81 Filed 6-4-81; 2:40 pm]
BILLING CODE 6720-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, June 11, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Proposed deregulation of Sections 701.21-1, 701.21-2 and 701.21-3 of the NCUA Rules and Regulations regarding lending policies, amortization and payment of loans and lines of credit.
3. Proposed regulation—Section 701.21-3A to the NCUA Rules and Regulations regarding business relationship with line of credit lender.
4. Proposed amendments to Section 701.21-6 of the NCUA Rules and Regulations: real estate lending including use of due on sale clauses.

5. Proposed deregulation of Section 701.21-7 of the NCUA Rules and Regulations regarding loan participation.

6. Proposed regulation—Section 701.21-6B to the NCUA Rules and Regulations regarding adjustable rate mortgages.

7. Requests for assistance for three CDCUs under Section 705 of the NCUA Rules and Regulations—Community Development Credit Union Program.

8. Proposed regulation—Section 748 to the NCUA Rules and Regulations regarding minimum security devices and procedures.

9. Proposed policy on merger assistance under Section 208(a)(2) of the Federal Credit Union Act.

10. Report of assistance taken under delegations of authority.

11. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Thursday, June 11, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative adjudication. Closed pursuant to exemptions (8) and (10).
2. Proposed conversion. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative action under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).
4. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(II).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-893-81 Filed 6-4-81; 12:23 pm]
BILLING CODE 7535-01-M

federal register

Monday
June 8, 1981

Part II

Environmental Protection Agency

Protest of Grantee Procurement Actions
Under Grants for Construction of Publicly
Owned Treatment Works; Subject Index
List of Regional Administrator Protest
Determinations Issued During 1980

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-1847-4]

Protest of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Determinations Issued During 1980

This notice publishes the 1980 subject index list for EPA Regional Administrator Protest Determinations. These determinations have been made under the EPA protest procedure set forth at 40 CFR 35.939.

This is the fourth EPA subject index and lists only the bid protest determinations issued during calendar year 1980. The first index, listing Regional Administrator protest determinations issued during the period 1974 through 1977, was published at 43 FR 29086-95 (July 5, 1978). This was supplemented by the index of 1978 protest determinations published at 44 FR 25812-18 (May 2, 1979) and the index of 1979 protest determinations published at 45 FR 58770-74 (September 4, 1980).

In 1980, 80 determinations were issued by EPA Regional Administrators. Each determination has been cited in this subject index by Grantee and State and includes a notation of the EPA Region in which the protest arose, the date of the determination, and the protester's name.

A brief descriptive parenthetical reference has been added to each citation.

Copies of the issued protest determinations may be obtained from any EPA Office of Regional Counsel or from the headquarters source identified below.

Interested parties are invited to submit comments concerning any improvement or correction to the subject index list to Lee DeHihns, Acting Assistant General Counsel, Grants (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460. Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT: Stephen M. Sorett, Esquire, Grants, Contacts, and General Administration Division (A-134); Office of General Counsel, United States Environmental

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Mary Doyle,
Acting General Counsel (A-130).
May 29, 1981.

Ambiguity

1. San Buenaventura, CA (IX, 3-28-80) (A. A. Portanova & Sons) (difference between unit price and extended total).
2. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (unsolicited discount).
3. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d/b/a Nashville Excavating Company) (MBE efforts prior to bidding).
4. Newaygo County Board of Public Works, MI (V, 7-21-80) (M. D. Taddie & Company, Inc.) (discount applied to single contract).
5. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Corporation) (MBE effort prior to bidding).
6. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (prequalified equipment to comply with specifications).
7. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (difference between unit price and extended total).

A/E Procurement

1. Northwest Bergen County Sewer Authority, NJ (II, 1-10-80) (URS/MSR Engineers, Inc.) (oral interview, cost submission).
2. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (time to protest).
3. San Antonio, TX (VI, 7-15-80) (Camp Dresser and McKee, Inc.) (terminate negotiations with initial selectee).
4. Vista Sanitation District/Encina Joint Powers, CA (IX, 7-30-80) (Don Todd Associates) (cost in evaluation).
5. Vista Sanitation District/Encina Joint Powers, CA (IX, 9-19-80) (Don Todd Associates) (reconsideration, reevaluate proposals).
6. Southwest Florida Regional Planning Council (Fort Myers), FL (IV, 12-3-80) (Jones, Edmunds and Associates/Missimer & Associates) (evaluation).

Award—Prime Contract

No entries.

Bid Shopping

1. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (failure to list MBE subs).
2. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to list MBE subs).
3. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (equipment substitution).
4. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (Failure to list suppliers).
5. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (failure to list MBE subs).

6. County of Nassau, NY (II, 8-7-80) (Komline-Sanderson Engineering Corporation) (substitution for listed equipment).

7. San Jacinto River Authority (Woodlands), TX (VI, 10-3-80) (Industrial Contractors, Inc.) (listing of MBE subs).

8. DuPage County (Department of Public Works), IL (V, 12-15-80) (Paschen Contractors, Inc.) (failure to list subs).

9. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (failure to list subs).

Bids

A. Late

No entries.

B. Modification

1. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (limiting time to accept bid).

C. Unbalanced

1. Glennville, GA (IV, 4-4-80) (J. W. Meadors and Company) (not automatically rejected).
2. Branford, CT (I, 5-28-80) (C. H. Nickerson & Co.) (zero unit price deduct).

Bonds

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (bid bond not signed by principal).
2. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (bid bond not submitted).
3. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (bid bond as a percentage of bid).

Burden of Proof

1. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (on procurement agency in award to other than low bidder).
2. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (on protester in restrictive specification claim).
3. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (on procurement agency if low bidder is nonresponsive).
4. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (on protester to show violation of procurement principles).

Buy American Act Requirements

No entries.

Choice of Law

A. General

No entries.

B. Fundamental Federal Procurement Principles

1. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (bid rejection for failure to acknowledge wage rate addendum).
2. Alma, NE (VII, 9-4-80) (William Anderson Company, Inc.) (bidders advised of basis for evaluation).

C. GAO Decisions—Effect of

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (absence of state law).

D. State Law

1. Mount Holly Sewerage Authority, NJ (II, 2-8-80) (Neshaminy Constructors, Inc.) (State Court action).
2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (post-award contract claim).
3. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (State Open Meeting law).
4. Whiteville, NC (IV, 3-26-80) (Astor Bolden Enterprises, Inc. T/A Quality Sanitary Services Co.) (contractor bidding license, number of bids).
5. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (state law on bid mistake).
6. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (bid withdrawal).
7. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (state law does not require award to low bidder).
8. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (relief for bid mistake).
9. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (correction of error in unit price).
10. Ashley Valley Sewer Management Board, UT (VIII, 11-26-80) (Van Staveren Construction, Inc.) (state license, dollar bid amount).
11. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (reversal of decision to reject bids).

Competition**A. General**

1. Odessa, TX (VI, 2-4-80) (Gifford-Hill and Company) (single pipe material).
2. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (single pipe material).
3. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material for carbon columns).

B. De Facto

1. Alma, NE (VII, 9-4-80) (William Anderson Company, Inc.) (4 of 8 bidders bid no charge for sealant).

C. Free and Open

1. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (manufacturers only).

Conflict of Interest

1. Southwest Florida Regional Planning Council [Fort Myers], FL (IV, 12-3-80) (Jones, Edmunds and Associates/Missimer & Associates) (A/E with contracts to assess and to inspect seawalls).

Davis-Bacon Act

No entries.

Deferral of Procurement Action

No entries.

Descriptive Literature Requirement

No entries.

Enforcement

1. St. Petersburg, FL (IV, 1-10-80) (Municipal and Industrial Pipe Services, Ltd.) (limiting grant eligibility in rebidding).

2. Checotah, OK (VI, 6-18-80) (Sherman Machine and Iron Works, Inc.) (limiting additional cost if equipment reprocurd).

Engineering Judgment

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (rational basis to reject proposed equal).
2. Odessa, TX (VI, 2-4-80) (Gifford-Hill and Company) (rational basis for single material).
3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (salient requirement to meet minimum need).
4. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (justification for single material).
5. Puyallup, WA (X, 4-24-80) (Rodding-Cleaning Machines, Inc.) (requirement based on performance need).
6. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (consultant's judgment to be rationally based).
7. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (justification for single material).
8. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (rational performance related basis).
9. Richmond, VA (III, 7-1-80) (Lane Construction Company; Clevepak Corporation) (equipment rejection for performance needs has rational basis).
10. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material requirement has rational basis).

E.E.O.

No entries.

Evaluation of Bids

1. Mount Holly Sewerage Authority, NJ (II, 2-8-80) (Neshaminy Constructors, Inc.) (deletion of alternate item).
2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (acceptance of equipment of different size).
3. Soldotna, AK (X, 4-25-80) (Interstate Company) (MBE documents as to positive efforts).
4. Branford, CT (I, 5-28-80) (C. H. Nickerson & Co.) (zero unit price, identical price for alternates).
5. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (cost and performance basis).
6. Newaygo County Board of Public Works, MI (V, 7-21-80) (M. D. Taddie & Company, Inc.) (discount).
7. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (equipment efficiency and operating costs).

Experience Requirements

1. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (experience as prequalification factor).

Finality of Administrative Determinations

No entries.

Formal Advertising

No entries.

Grantee Responsibilities

1. Nashville, MI (V, 10-24-80) (Clark Construction Company) (MBE goals, investigation of MBE status).

Innovative and Alternative Technology

No entries.

Judicially Directed Review

No entries.

Jurisdiction

1. Pima County, AZ (IX, 2-20-80) (Ameron) (change order).
2. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (change order).
3. Suffolk County, NY (II, 3-3-80) (Davis Construction Corp.) (retainage).
4. Metropolitan Sanitary District of Greater Chicago, IL (V, 3-7-80) (Joint Venture of Pora Construction Company and Minority-Majority Construction Company) (delay claim).
5. Metropolitan Sanitary District of Greater Chicago, IL (V, 3-27-80) (Herlihy Mid-Continent Company) (claims).
6. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (Interpace Corporation) (contract interpretation).
7. Portland, OR (X, 6-12-80) (Robbins & Myers, Inc.) (change order).
8. County of Nassau, NY (II, 8-7-80) (Komline-Sanderson Engineering Corporation) (equipment substitution).
9. Portland, OR (X, 8-7-80) (Robbins & Myers, Inc.) (change order).
10. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (State law as to remedy for bid mistake).

Minority Business Enterprise

1. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (good faith negotiations).
2. Hastings, NE (VII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (failure to list MBE subs is curable).
3. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to list MBE subs is curable).
4. Huntsville, TX (VI, 4-18-80) (Angleton General Mechanical, Inc.) (failure to furnish documentation of positive efforts is curable).
5. Burlingame, CA (IX, 4-25-80) (Pat Kennelly Construction Company) (failure to contact assistance center can be waived).
6. Soldotna, AK (X, 4-25-80) (Interstate Company) (failure to file MBE for with bid is curable).
7. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (specifications ambiguous in requiring positive efforts prior to bidding).
8. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (specifications ambiguous in requiring positive efforts prior to bidding).
9. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (MBE policy does not extend to WBE).

10. Rockford, MI (V, 8-1-80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (timeliness).

11. Albert Lea, MN (V, 9-18-80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers Corp.) (Grantee can make responsiveness dependent on pre-bid positive efforts).

12. San Jacinto River Authority [Woodlands], TX (VI, 10-3-80) (Industrial Contractors, Inc.) (goal attainment or positive efforts go to responsibility).

13. Nashville, MI (V, 10-24-80) (Clark Construction Company) (grantee can make MBE data a matter of responsiveness).

14. Webster, TX (VI, 10-31-80) (LEM Construction Company, Inc.) (positive efforts).

15. DuPage County [Department of Public Works], IL (V, 12-15-80) (Paschen Contractors, Inc.) (positive efforts).

16. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (MBE documentation as responsibility factor).

17. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (post-bid efforts to meet MBE goals).

18. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE documentation is responsibility factor).

Mistake

1. San Buenaventura, CA (IX, 3-28-80) (A. A. Portanova & Sons) (unit price corrected).

2. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (State law).

3. Marquette County, MI (V, 8-14-80) (Brumm Construction Company; O'Dovero Construction Company) (change order to cover bid mistake).

4. Northeast Ohio Regional Sewer District, OH (V, 9-4-80) (D. E. Williams Electric, Inc.) (upward adjustment relief as State law issue).

5. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (unit price corrected).

Negotiated Procurement

No entries.

Nonrestrictive Specifications

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (manufacturers only).

2. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Control Company) (rejection of equipment).

3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (pump lacks salient feature).

4. Fall River, MA (I, 2-13-80) (Passavant Corporation) (manufacturers only).

5. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (pipe).

6. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (pipe).

7. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (manufacturers only).

8. Puyallup, WA (X, 4-24-80) (Rodding-Cleaning Machines, Inc.) (performance requirement).

9. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (performance specifications).

10. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (protester has burden of proof).

11. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (New Holland Newcrete Products Division of New Enterprise Stone & Lime Co.) (national standards).

12. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (single grout material).

13. Checotah, OK (VI, 6-18-80) (Sherman Machine and Iron Works, Inc.) (performance needs).

14. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (cost effectiveness, equipment life).

15. Richmond, VA (III, 7-1-80) (Lane Construction Company; Clévepak Corporation) (performance requirements).

16. Northeast Ohio Regional Sewer District, OH (V, 10-14-80) (ICI Americas, Inc.) (single material).

Patents

No entries.

Prequalification

1. Fall River, MA (I, 2-8-80) (Performance Systems, Inc.) (sludge filter press).

2. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Euramca, Inc.; Komline-Sanderson Engineering Corp.) (belt filter press).

3. Newaygo County Board of Public Works, MI (V, 7-28-80) (R. S. Bennett & Company) (pumps).

Procedure

1. Fall River, MA (I, 2-13-80) (Passavant Corporation) (notice to others).

2. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (moot, premature, readvertise).

3. DeKalb County, GA (IV, 2-29-80) (Southeast Grading, Inc.) (authority to award before resolution of subcontract protests, notice to others).

4. Tolleson, AZ (IX, 3-17-80) (Hydro Conduit Corporation) (short notice of protest hearing, notice to others).

5. Whiteville, NC (IV, 3-26-80) (Astor Bolden Enterprises, Inc. T/A. Quality Sanitary Services, Inc.) (failure to state basis, notice to others).

6. Soldotna, AK (X, 4-25-80) (Interstate Company) (grantee's hearing procedure).

7. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (notice to others, raising new issues at EPA review).

8. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (time limits to present evidence).

Program Integrity

No entries.

Rational Basis Test

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Control Company) (equipment fails to meet salient requirements).

2. Fall River, MA (I, 2-13-80) (Passavant Corporation) (no performance related rational basis for manufacturers only).

3. Cordele, GA (IV, 4-10-80) (Ralph Healey & Associates, Inc.) (no rational basis for manufacturers only).

4. Puyallup, WA (X, 4-24-80) (Rodding-Cleaning Machines, Inc.) (rational basis to require specific method of mixing grout).

5. Orange County Sanitation Districts of Orange County, CA (IX, 5-22-80) (Ralph B. Carter Co.; Komline-Sanderson Engineering Corp.) (high quality specifications had rational basis).

6. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (hard abrasive surface for centrifuge had rational basis).

7. Vista Sanitation District/Encina Joint Powers, CA (IX, 7-30-80) (Don Todd Associates) (evaluation of engineering qualifications had rational basis).

8. Ashley Valley Sewer Management Board, UT (VIII, 11-20-80) (Western Utility Contractors, Inc.) (correction of unit price mistake had rational basis).

Reconsideration of Administrative Determinations

1. Pima County, AZ (IX, 3-17-80) (Ameron) (denied if issue is not protestable).

2. Checotah, OK (VI, 7-25-80) (Sherman Machine and Iron Works, Inc. [Per Lakeside Equipment Corporation]) (denied if no material factual mistake, new evidence or legal error).

3. Portland, OR (X, 8-7-80) (Robbins & Myers, Inc.) (decision affirmed when no material error of law or fact).

4. Vista Sanitation District/Encina Joint Powers, CA (IX, 9-19-80) (Don Todd Associates) (without new evidence or arguments, no reconsideration to require new RFP rather than new evaluation of prior RFP).

Rejection of All Bids

1. St. Petersburg, FL (IV, 1-10-80) (Municipal and Industrial Pipe Services, Ltd.) (Grantee's financial situation, limit federal share).

2. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (specifications restrictive).

3. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (RA directed, ambiguous MBE specifications).

4. Newaygo County Board of Public Works, MI (V, 7-21-80) (M.D. Taddie & Company, Inc.) (no adverse effect of bid form ambiguity).

5. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (RA directed, ambiguous MBE specifications).

6. Newaygo County Board of Public Works, MI (V, 7-28-80) (R.S. Bennett & Company) (RA directed, ambiguous MBE specifications).

Responsibility (see also Responsiveness)

1. Huntsville, TX (VI, 7-8-80) (Angleton General Mechanical, Inc.) (prior performance).

2. Webster, TX (VI, 10-31-80) (LEM Construction Company, Inc.) (positive MBE efforts).

Responsiveness

1. Norwich, CT (I, 2-1-80) (Fantoni Company) (authority to sign bid, bid bond not signed by principal).

2. Hastings, NE (VIII, 3-7-80) (Horizon Construction Company; Olson Construction Company) (bidder cannot offer different warranty).
3. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (MBE sub listing).
4. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (pump dimensions differing from specifications).
5. Glennville, GA (IV, 4-4-80) (J.W. Meadors and Company) (discount offer, sub listing).
6. Huntsville, TX (VI, 4-18-81) (Angleton General Mechanical, Inc.) (MBE documentation of positive efforts).
7. Soldotna, AK (X, 4-25-80) (Interstate Company) (MBE documentation).
8. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (R.J. Longo Construction Co.) (failure to identify type of pipe to be used).
9. Sacramento Regional County Sanitation District, CA (IX, 5-9-80) (Burdick Contractors, Inc.) (acceptance of part of combination bid).
10. Branford, CT (I, 5-28-80) (C.H. Nickerson & Co.) (zero unit price, identical price for alternatives).
11. Clarksville, TN (IV, 6-5-80) (Penetryn Systems, Inc.) (compliance with specifications).
12. Port Austin Area Water and Sewer Authority, MI (V, 7-2-80) (Amado Cardenas, d.b.a. Nashville Excavating Company) (MBE sub listing).
13. Newaygo County Board of Public Works, MI (V, 7-21-80) (M.D. Taddie & Company, Inc.) (discount offer).
14. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (MBE sub listing).
15. Newaygo County Board of Public Works, MI (V, 7-28-80) (R.S. Bennett & Company) (prequalified equipment not meeting specifications, efficiency guarantee).
16. Rockford, MI (V, 8-1-80) (Nagel Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (MBE documentation).
17. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (need for bid bond).
18. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (conditional bid, limiting bid acceptance time).
19. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).
20. Alma, NE (VIII, 9-4-80) (William Anderson Company, Inc.) (bid of "free" for bid item).
21. Albert Lea, MN (V, 9-18-80) (Orvedahl Construction, Inc.; Centennial Contractors Corp.; Johnson Brothers, Corp.) (MBE documentation).
22. San Jacinto River Authority [Woodlands], TX (VI, 10-3-80) (Industrial Contractors, Inc.) (failure to attain MBE goal).
23. Nashville, MI (V, 10-24-80) (Clark Construction Company) (MBE documentation).
24. DuPage County [Department of Public Works], IL (V, 12-15-80) (Paschen Contractors, Inc.) (MBE documentation).

25. Pierce County, WA (X, 12-23-80) (Frank Coluccio Construction Company) (MBE sub listing).

26. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE documentation).

Review—Regional Administrator Authority—see Sua Sponte Review

No entries.

Salient Requirements

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (manufacturers only not performance related).
2. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (equipment will not satisfy needs).
3. Whitehall, NY (II, 2-5-80) (Davis Water & Waste Industries, Inc.) (metal connection was needed performance characteristic).
4. County Sanitation Districts of Los Angeles County, CA (IX, 6-26-80) (Ingersoll-Rand Co.) (hard surface abrasive requirement decreased maintenance cost).

Small Business

No entries.

Sole Source

1. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (not sole source if available from protester).

Specifications

No entries.

Standing

1. East Bay Dischargers Authority, CA (IX, 1-30-80) (Capital Controls Company) (supplier).
2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (supplier alleging sole source).
3. Cordele, GA (IV, 5-1-80) (Franklin Aluminum Division/Hoover Universal, Inc.) (supplier alleging restrictive specifications).
4. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (supplier's standing can be recognized by RA).

Sua Sponte Review

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors, Inc.) (restrictive specifications).
2. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (bid evaluation).
3. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (bid evaluation on cost and performance basis).
4. Checotah, OK (IV, 7-25-80) (Sherman Machine and Iron Works, Inc.) (decision need not be based on parties' arguments).
5. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (WBE is not MBE).
6. Bear Creek Valley Sanitary Authority, OR (X, 12-24-80) (Ausland Construction, Inc.) (MBE efforts).

Subcontracts—Award

1. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (cancellation of subcontract).
2. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (cost savings in alternate bid).
3. County of Nassau, NY (II, 8-7-80) (Komline-Sanderson Engineering Corporation) (supplier obtains no protest rights by being listed).

Summary Disposition

1. Anne Arundel County, MD (III, 2-13-80) (Sabatini Company) (moot or premature protest).
2. Pima County, AZ (IX, 2-20-80) (Ameron) (change order).
3. Metropolitan Sanitary District of Greater Chicago, IL (V, 2-27-80) (Shea-Kiewit) (unit price claim).
4. Metropolitan Sanitary District of Greater Chicago, IL (V, 3-27-80) (Herlihy Mid-Content Company) (contract claim).
5. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (untimely).
6. Moorhead, MN (V, 6-3-80) (Waldor Pump & Equipment Company) (lengthy submittals preclude dismissal).
7. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (untimely, lack of bid bond).
8. Whitewater, WI (V, 9-22-80) (Nagle-Hart, Inc.) (untimely).
9. Linden Roselle Sewerage Authority, NJ (II, 10-31-80) (Euramca Ecosystems, Inc.) (untimely).
10. Clear Lake City, TX (VI, 12-29-80) (LEM Construction Co., Inc.) (MBE compliance affects responsibility).

Time Limitations

1. Cordele, GA (IV, 1-15-80) (Tuttle/White Constructors Inc.) (written notice to supplier of rejection).
2. Fall River, MA (I, 2-13-80) (Passavant Corporation) (delay aggravated by grantee and EPA).
3. Hudson County Utilities Authority, NJ (II, 3-31-80) (E&R Engineers Limited) (one week to protest and to appeal).
4. Tacoma, WA (X, 4-3-80) (Worthington Pump Corporation) (oral notice of rejection).
5. Little Rock, AR (VI, 4-29-80) (Autotrol Corporation) (before bid opening).
6. Rochester, MN (V, 7-24-80) (Darin & Armstrong, Inc.; Kraus-Anderson/PMW Construction; Newberg, Foster & Paschen; Premier Electric Construction) (notice).
7. Toledo, OH (V, 7-28-80) (Minority Earth Movers, Inc.) (seeking clarification before filing protest).
8. Rockford, MI (V, 8-1-80) (Nagle Construction, Inc.; Interstate Pipe Maintenance, Inc.; Clytus Industries, Inc.) (RA refusal to waive one week appeal limit).
9. Cecil County, MD (III, 8-11-80) (Hanks Contracting, Inc.) (one week to appeal to RA).
10. Marquette County, MI (V, 8-14-80) (Brumm Construction Company; O'Dovero Construction Company) (prompt action on actual knowledge).
11. Whitewater, WI (V, 9-22-80) (Nagle-Hart, Inc.) (59 days after bid opening).
12. Linden Roselle Sewerage Authority, NJ (II, 10-31-80) (Euramca Ecosystems, Inc.) (appeal one month after grantee determination).
13. Dorchester County Sanitary Commission, MD (III, 11-5-80) (Andrews, Miller and Associates, Inc.) (9 days after grantee determination).
14. Newaygo County Board of Public Works, MI (V, 11-7-80) (D. J. Domas, Inc.) (failure to file detailed statement).

15. Bear Creek Valley Sanitary Authority,
OR (X, 12-24-80) (Ausland Construction, Inc.)
(8 days after bid opening).

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1. Norwich, CT (I, 2-1-80) (Fantoni Company) (failure to sign bid bond).
2. Johnson County, KS (VII, 4-1-80) (Sharp Brothers Contracting Company) (failure to submit MBE forms).
3. Huntsville, TX (VI, 4-18-80) (Angleton General Mechanical, Inc.) (MBE documentation).
4. Northwest Bergen County Sewer Authority, NJ (II, 5-5-80) (R. J. Longo Construction Co.) (failure to cross out pipe not to be used).
5. Monmouth, OR (X, 8-21-80) (Chinook Pacific Corporation) (limiting bid acceptance period and all or none qualification are not waivable).
6. Colfax Public Service District, WV (III, 8-29-80) (Salerno Brothers, Inc.) (failure to acknowledge addendum).

[FR Doc. 81-16651 Filed 6-5-81; 8:45 am]

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Federal Register

Vol. 46, No. 109

Monday, June 8, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

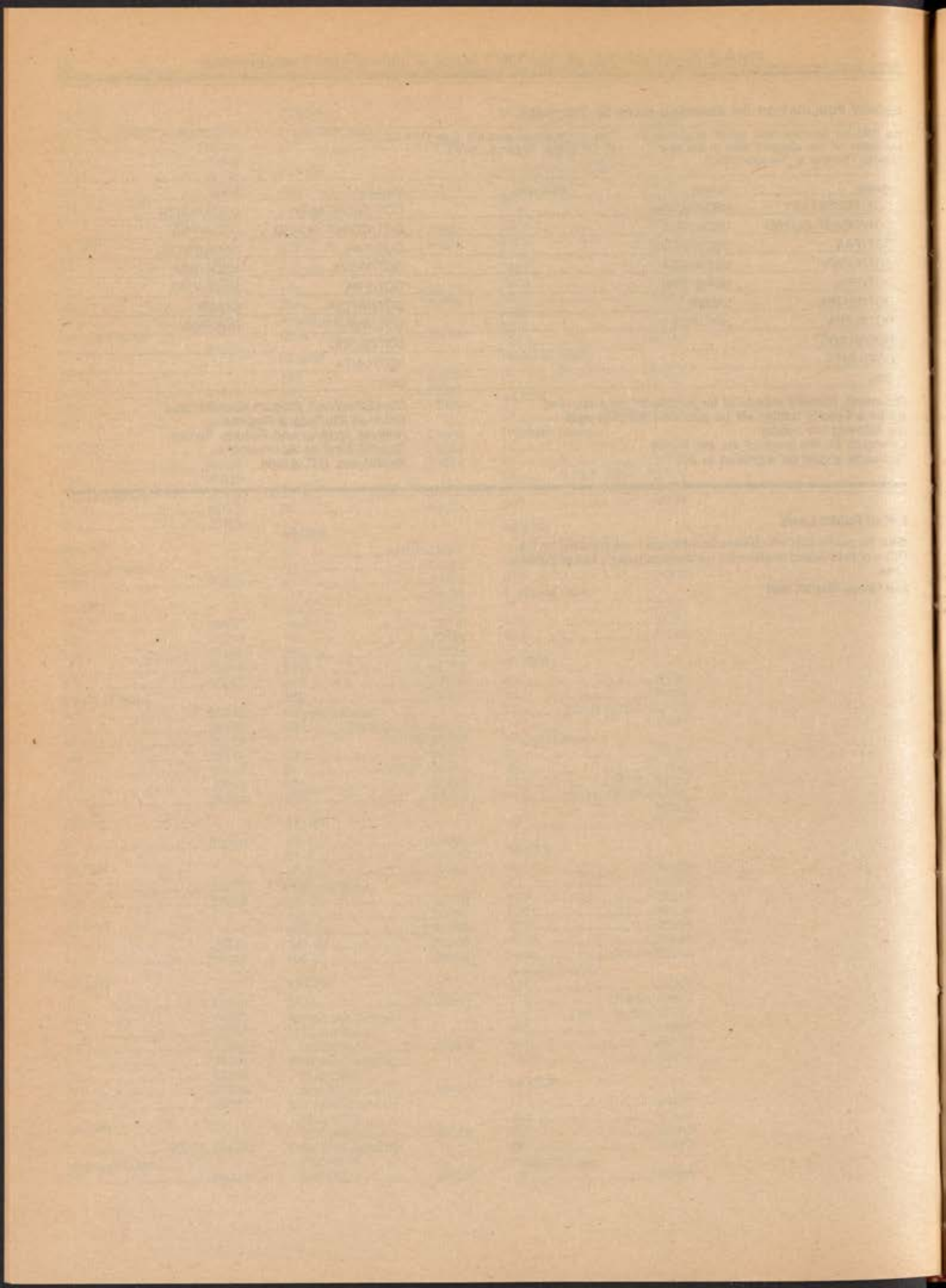
Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
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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.

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Washington

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Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of October 1, 1980
(Correction)

Quantity	Volume	Price	Amount
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	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).

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