

federal register

Tuesday
June 9, 1981

Highlights

- 30481 **National Safe Boating Week** Presidential proclamation.
- 30485 **Presidential Task Force on the Arts and the Humanities** Executive order.
- 30483 **President's Commission on Hostage Compensation** Executive order.
- 30519 **Food Assistance Program** USDA/FNS announces intent to conduct demonstration project on alternatives to donation of USDA commodities to National School Lunch Program.
- 30488 **Federal Home Loan Bank** FHLBB amends merger rules for Federally chartered capital stock associations and other institutions and redefines "association".
- 30568 **Health and Safety** HHS/FDA announces availability of and solicits comments on the Chest X-Ray Referral Criteria Panel Draft Report.
- 30507 **Maritime Education and Training** Commerce/MA proposes regulations on merchant marine training at State maritime academies.

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- 30568 Antineoplastic Drugs** HHS/FDA announces availability of "Guidelines for the Clinical Evaluation of Antineoplastic Drugs".
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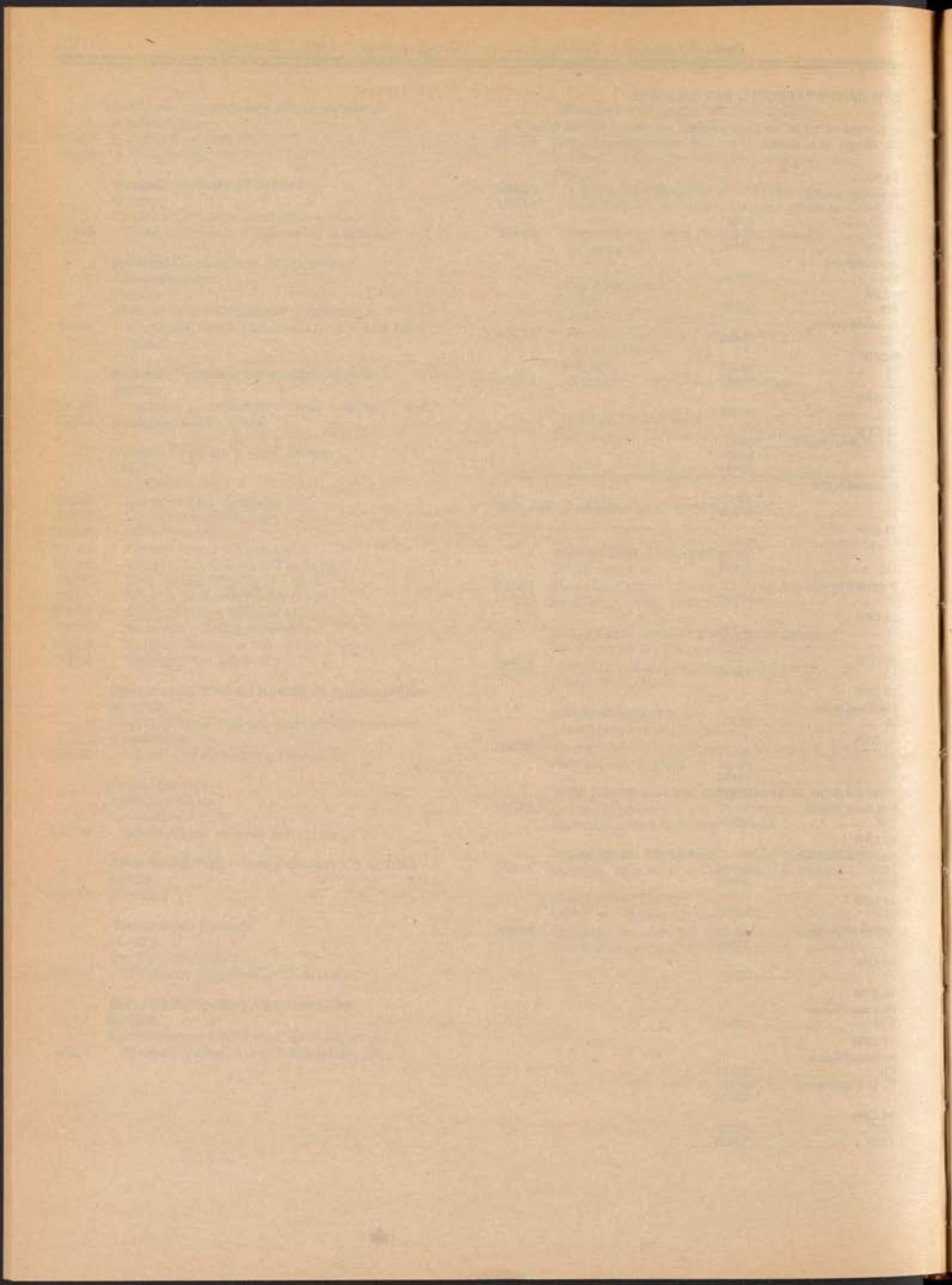
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Presidential Documents

Title 3—

Proclamation 4847 of June 4, 1981

The President

National Safe Boating Week, 1981

By the President of the United States of America

A Proclamation

Americans enjoy a multitude of sports and recreational activities that serve to refresh the body and spirit. For many of our citizens, recreation means boating.

Those involved in recreational boating should always remember that the primary responsibility for safety rests with the individual. And while a cruise can be a wonderful experience for one person or an entire family, it can also result in tragedy.

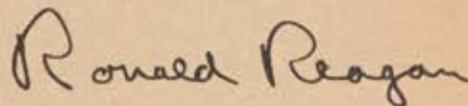
Aware of the need for boating safety, the Congress enacted the joint resolution of June 4, 1958 (36 U.S.C. 161) as amended, requesting that the President proclaim a National Safe Boating Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning on June 7, 1981 as National Safe Boating Week.

All Americans who utilize our waterways for recreation should possess at least a minimum knowledge of safety afloat. I urge all Americans who engage in recreational boating to take advantage of the numerous safe boating courses sponsored by governmental and private organizations. I particularly urge inexperienced operators of small boats to enroll in these safety and educational programs. Learning the fundamentals of safe boating can do nothing but add to the potential pleasure and excitement of recreational boating.

I also invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of June in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.



Presidential Documents

Executive Order 11624

Department of Justice

Richard Nixon

Presidential Documents

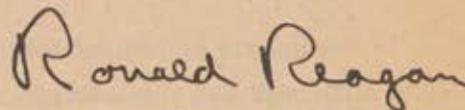
Executive Order 12307 of June 4, 1981

President's Commission on Hostage Compensation

By the authority vested in me as President by the Constitution and statutes of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and to give the President's Commission on Hostage Compensation time to complete its work, it is hereby ordered that Executive Order No. 12285 (January 19, 1981) is amended as follows:

The first sentence of Section 1-202 of the Order is amended to read: "The Commission shall submit a report to the President no later than August 20, 1981."

The second sentence of Section 1-301 of the Order is amended to read: "In addition to conducting open meetings in accordance with the Federal Advisory Committee Act, the Commission may conduct public hearings to identify critical issues and possible solutions related to compensation."



THE WHITE HOUSE,

June 4, 1981.

[FR Doc. 81-17178

Filed 6-5-81; 3:26 pm]

Billing code 3195-01-M

Presidential Documents

Executive Order 12308 of June 5, 1981

Presidential Task Force on the Arts and Humanities

By the authority vested in me as President by the Constitution of the United States of America, and to establish in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), an advisory committee on arts and humanities of the United States, it is hereby ordered as follows:

SECTION 1. Establishment. (a) There is hereby established the Presidential Task Force on the Arts and Humanities. The Task Force shall be composed of no more than 36 members appointed by the President. No more than one member shall be a full-time Federal officer or employee. The remaining members shall not represent Executive agencies.

(b) The President shall designate three Cochairmen and one Vice Chairman from among the members of the Task Force.

SEC. 2. Functions. (a) The Task Force shall advise the President with respect to:

- (1) methods to increase private support for the arts and humanities;
- (2) ways in which Federal decisions regarding arts and humanities projects can rely more on the judgments of nongovernmental professionals, private sector groups, and individuals; and
- (3) potential improvements in the management, organization and structure of (i) the National Foundation on the Arts and the Humanities (including the National Endowment for the Arts, the National Endowment for the Humanities and the Federal Council on the Arts and the Humanities) and (ii) other Federal arts and humanities programs.

(b) The Task Force shall report its findings and recommendations to the President, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities.

SEC. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Task Force with such information with respect to arts and humanities issues as may be necessary for the effective performance of its functions.

(b) Members of the Task Force shall receive no compensation for their work on the Task Force. However, while engaged in the work of the Task Force, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) The National Endowment for the Humanities shall, to the extent permitted by law and subject to the availability of funds, provide the Task Force with such administrative services, funds, facilities, staff and other support services as may be necessary for the effective performance of its functions.

SEC. 4. General Provisions. (a) Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the advisory committee established by this Order, shall be performed by the Chairman of the National Endowment for the

Humanities, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Task Force shall terminate on September 30, 1981, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
June 5, 1981.

[FR Doc. 81-17206

Filed 6-5-81; 4:56 pm]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 46, No. 110

Tuesday, June 9, 1981

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

Irish Potatoes Grown in the Southeastern States; Handling Regulation

Correction

In FR Doc. 81-16421, at page 29454, in the issue of Tuesday, June 2, 1981, on page 29455, in the last column, first line of the first paragraph, correct "(1)" to read "(d)".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 78

Brucellosis Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments add the county of Drew in Arkansas, the county of Gadsden in Florida, the county of Lincoln in Idaho, and the counties of Corson, Custer, Dewey, McPherson, Meade, and Spink in South Dakota, to the list of Certified Brucellosis-Free Areas and delete these counties from the list of Modified Certified Brucellosis Areas. It has been determined that these areas qualify to be designated as Certified Brucellosis-Free Areas. The effect of this action will allow for less restrictions on cattle moved interstate from these areas. These amendments also add the counties of Banks, Echols, Rabun, and Stephens in Georgia, and Gray and Reagan in Texas, to the list of Modified Certified Brucellosis Areas and delete them from the list of Certified

Brucellosis-Free Areas because it has been determined that these counties now qualify only as Modified Certified Brucellosis Areas. The effect of this action will provide for more restrictions on cattle moved interstate from these areas.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Room 805, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION: This final action is issued in conformance with Executive Order 12291 and has been determined to be "not major." The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

Dr. Paul Becton, Director, National Brucellosis Eradication program, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. The amendment designating areas as Certified Brucellosis-Free Areas relieves certain restrictions presently imposed on the interstate movement of cattle. These restrictions are no longer deemed necessary to prevent the spread of brucellosis from such areas. Therefore, the amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

The amendment designating areas as Modified Certified Brucellosis Areas imposes restrictions presently not imposed on the interstate movement of cattle from these areas. The additional restrictions are necessary in order to prevent the spread of brucellosis from such areas and, therefore, must be made effective immediately.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant

economic impact on a substantial number of small entities because the change in brucellosis status affects less than 0.34 percent of the farms in the United States and does not have a significant economic impact on a substantial number of other types of small entities.

A complete list of brucellosis areas was published in the **Federal Register** (45 FR 85718-85720) effective December 30, 1980. These amendments add the county of Drew in Arkansas, the county of Gadsden in Florida, the county of Lincoln in Idaho, and the counties of Corson, Custer, Dewey, McPherson, Meade, and Spink in South Dakota, to the list of Certified Brucellosis-Free Areas in § 78.20 and delete these counties from the list of Modified Certified Brucellosis Areas in § 78.21, because it has been determined that such areas now come within the definition of a Certified Brucellosis-Free Area contained in § 78.1(1) of the regulations. These amendments add the counties of Banks, Echols, Rabun, and Stephens in Georgia, and Gray and Reagan in Texas, to the list of Modified Certified Brucellosis Areas in § 78.21 and delete these counties from the list of Certified Brucellosis-Free Areas in § 78.20, because it has been determined that they now qualify only as Modified Certified Brucellosis Areas as defined in § 78.1(m) of the regulations. This list is updated monthly and reflects actions taken under criteria for designating areas according to brucellosis status. The format of the authority citation for Part 78 is also revised. Accordingly, Part 78, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 78 is revised to read as follows: Authority: Secs. 4-7 and 13 of the Act of May 29, 1884, as amended, 23 Stat. 32; secs. 1 and 2 of the Act of February 2, 1903, as amended, 32 Stat. 791-792; sec. 3 of the Act of March 3, 1905, as amended, 33 Stat. 1265; and secs. 3 and 11, P.L. 87-518, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f) 37 FR 28464, 28477; 38 FR 19141, unless otherwise noted.

2. In § 78.20, paragraph (b) is amended by adding: *Arkansas*, *Drew*; *Florida*, *Gadsden*; *Idaho*, *Lincoln*; *South Dakota*, *Corson*, *Custer*, *Dewey*, *McPherson*, *Meade*, *Spink*; and deleting: *Georgia*.

Banks, Echols, Rabun, Stephens; *Texas*. Gray, Reagan.

3. In § 78.21, paragraph (b) is amended by adding: *Georgia*. Banks, Echols, Rabun, Stephens; *Texas*. Gray, Reagan; and deleting: *Arkansas*. Drew; *Florida*. Gadsen; *Idaho*. Lincoln; *South Dakota*. Corson, Custer, Dewey, McPherson, Meade, Spink.

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

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-16975 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Orange County and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portions of Orange County and Los Angeles County on May 26, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected areas.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782; 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than \$100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-

based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines a portion of Orange County and a portion of Los Angeles County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 82 reads as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3, new paragraph (c)(2) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *California*. (i) The premises of Jack Schafer, 6441 Cosa Verdi Drive, Cypress, Orange County.

(ii) The premises of Jack Schafer, 12005 South Street, Artesia, Los Angeles County.

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

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-16976 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 552

[NO. 81-29]

Federal Stock Charter Amendments

May 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board is amending its regulations on mergers between Federally-chartered capital stock (Charter S) and other institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") to clarify the Board's authority to waive or deem inapplicable certain regulatory requirements in a supervisory merger involving a Charter S association, and to amend the Board's definition of "association" to reflect statutory changes.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION, PLEASE

CONTACT: Patricia C. Trask, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (telephone: 212/377-6474).

SUPPLEMENTARY INFORMATION: The Regulations for the Federal Savings and Loan system at 12 CFR 552.13 and 552.14 govern mergers and other combinations of Federally-chartered capital stock (Charter S) associations with other institutions having accounts insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"). Section 552.15 of the Charter S regulations sets forth the authority of the Board to waive or deem inapplicable any of the requirements of §§ 552.13 and 552.14 in order to avert insolvency or imminent failure of a Charter S association.

This amendment clarifies that the Board may take similar action in a supervisory combination involving a Charter S association without regard to whether the Charter S association is the failing institution. The amendment does

not permit waiver of procedures, with respect to supervisory combinations, that would deprive stockholders of a non-failing constituent institution of any stockholder rights provided under §§ 552.13 and 552.14.

The Board also has taken this opportunity to eliminate the notice requirements in paragraph (h) of § 552.13 with regard to supervisory combinations. Such notices are regulatory requirements that, on balance, should not be imposed in the circumstances of a supervisory combination. Similar waivers of notice are already contained in other of the Board's regulations governing mergers and conversions (12 CFR Parts 546 and 563b, respectively).

The Board is also amending the definition of "association" in § 552.13(b)(1) by including Federal mutual savings banks to reflect changes made by Title XII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630, 92 Stat. 3710).

The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. § 553(b) and the 30-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. § 553(d) are unnecessary because it is in the public interest for the Board to be able to exercise maximum flexibility immediately in resolving supervisory cases by merger or other combination.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 552, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 552—STOCK ASSOCIATIONS

1. Amend subparagraph (b)(1) of § 552.13 by inserting before the period at the end thereof the following phrase: ", or any Federal mutual savings bank".

2. Amend paragraph (h) of § 552.13 by adding new subparagraph (6), to read as follows:

§ 552.13 Combinations involving Charter S associations.

(h) Notice. * * *

(6) *Supervisory exception.* This paragraph (h) does not apply to combinations instituted for supervisory reasons.

3. Amend the first sentence of § 552.15 to read as follows:

§ 552.15 Supervisory combinations.

Notwithstanding the foregoing provisions of this Part, the Board may determine to waive or deem inapplicable any provision of §§ 552.13 or 552.14 of this Part insofar as it is deemed necessary to avert insolvency or imminent failure of an association as defined in § 552.13(b)(1). * * *

(Sec. 5(d)(11), 48 Stat. 131 [U.S.C. § 1464]; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464); Pub. L. 95-630, 92 Stat. 3710; Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943-48 Comp., 1071)

By the Federal Home Loan Bank Board.

J. J. Finn

Secretary.

[FR Doc. 81-16989 Filed 6-9-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Order No. 152; Docket No. RM79-76 (Colorado-7)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective on June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

Order No. 152

Issued June 3, 1981.

Before Commissioners; Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79-76 (Colorado-7).

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation in Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPR, issued November 19, 1980 (45 FR 78701, November 26, 1980)¹ based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Dakota Formation be designated as a tight formation.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately established good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

Section 271.703(d) is amended by adding new subparagraph (28) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket

¹ Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(28) *Dakota Formation in Colorado*, RM79-76 (Colorado—8).

(i) *Delineation of formation.* The Dakota Formation is found in La Plata and Archuleta Counties, Colorado. It is located southeast of the City of Durango, Colorado, and is bounded on the north by the southern boundary of the Southern Ute Indian reservation. The Dakota Formation underlies Township 34 North, Ranges 6 and 7 West (South of the Ute Line), Sections 1 through 36, and Township 34 North, Ranges 8 and 9 West (South of the Ute Line), Sections 1 through 24.

(ii) *Depth.* The Dakota Formation is defined as that formation the depth to the top of which averages approximately 7,600 feet and the base of which is defined by the top of the Morrison Formation.

[FR Doc. 81-17077 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Order No. 151; Docket No. RM79-76 (Colorado—9)]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Corcoran Formation and Cozzette Formation each be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

Order No. 151

Issued June 3, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79-76 (Colorado—9).

The Commission hereby amends § 271.703(d) of its regulations to include the Corcoran and Cozzette Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPR, issued November 19, 1980 (45 FR 78703, November 26, 1980)¹ based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Corcoran and Cozzette Formations be designated as tight formations.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Corcoran and Cozzette Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 271.703(d) is amended by adding new subparagraphs (29) and (30) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as

¹ Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(29) *Cozzette Formation in Colorado*, RM79-76 (Colorado—9).

(i) *Delineation of formation.* The Cozzette Formation is found in Mesa and Garfield Counties, Colorado. It is located northeast of the City of Grand Junction, Colorado, and occupies an area known locally as the Wagon Track Tight Gas and Sand area. The Cozzette Formation underlies Township 8 South, Ranges 98 and 99 West, Sections 1 through 36, and Range 100 West, Sections 21 through 28 and 33 through 36; Township 9 South, Range 97 West, Sections 1 through 24, 26 through 35, Ranges 98 and 99 West, Sections 1 through 36, Range 100 West, Sections 1 through 4, 9 through 14, 23, 24, 25 and 36; Township 10 South, Range 97 West, Sections 2 through 11, Range 98 West, Sections 1 through 12, and Range 99 West, Sections 1 through 5 and 9 through 12.

(ii) *Depth.* The Cozzette Formation is defined as that formation occurring within the Mount Garfield Formation in the Mesaverde Group and which is found at an average measured depth of 2478 feet.

(30) *Corcoran Formation in Colorado*, RM79-76 (Colorado—9).

(i) *Delineation of formation.* The Corcoran Formation is found in Mesa and Garfield Counties, Colorado. It is located northeast of the City of Grand Junction, Colorado, and occupies an area locally known as the Wagon Track Tight Sand area. The Corcoran Formation underlies Township 8 South, Ranges 98 and 99 West, Sections 1 through 36, and Range 100 West, Sections 21 through 28 and 33 through 36; Township 9 South, Range 97 West, Sections 1 through 24, 26 through 35, Ranges 98 and 99 West, Sections 1 through 36, Range 100 West, Sections 1 through 4, 9 through 14, 23, 24, 25 and 36; Township 10 South, Range 97 West, Sections 2 through 11, Range 98 West, Sections 1 through 12, and Range 99 West, Sections 1 through 5 and 9 through 12.

(ii) *Depth.* The Corcoran Formation is defined as that formation occurring within the Mount Garfield Formation of

the Mesaverde Group and which is found at an average depth of 2673 feet.

[FR Doc. 81-17078 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 271

[Order No. 150; Docket No. RM79-76 (Colorado—8)]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation

Issued June 3, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Sanastee Formation and Dakota Formation each be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective on June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

Order No. 150

Issued June 3, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr. and J. David Hughes. In the matter of High-Cost Gas Produced From Tight Formations, Docket No. RM79-76 (Colorado—8).

The Commission hereby amends § 271.703(d) of its regulations to include the Sanastee and Dakota Formations in Colorado as designated tight formations eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPR, issued November 19,

1980 (45 FR 78703, November 26, 1980)¹ based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Sanastee and Dakota Formations be designated as tight formations.

Evidence submitted by Colorado and the commenters supports Colorado's assertion that the Sanastee and Dakota Formations meet the guidelines contained in § 271.703(c)(2). The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty day publication period.

(Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 271.703(d) is amended by adding new subparagraph (27) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

(27) *Sanastee Formation in Colorado.* RM79-76 (Colorado—8).

(i) *Delineation of formation.* The Sanastee Formation is found in La Plata and Archuleta Counties, Colorado. It is located southeast of the City of Durango, Colorado, and is bounded on the north by the southern boundary of the Southern Ute Indian Reservation. The Sanastee Formation underlies Township 34 North, Ranges 6 and 7

¹ Comments were invited and favorable comments were received. No party requested a public hearing and no hearing was held.

West (South of the Ute Line), Sections 1 through 36, and Township 34 North, Ranges 8 and 9 West, Sections 1 through 24.

(ii) *Depth.* The Sanastee Formation is defined as that formation occurring within the Mancos shale at intervals from approximately 7500 to 7700 feet.

[FR Doc. 81-17079 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 284

[Order No. 30-F; Docket No. RM79-34]

Transportation Certificates for Natural Gas for the Displacement of Fuel Oil

Issued May 21, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: On May 17, 1979, the Federal Energy Regulatory Commission (Commission) issued Order No. 30 in Docket No. RM79-34 (44 FR 30323; May 25, 1979). That order established a short-term program authorizing the transportation of natural gas for the displacement of fuel oil. The program, which was originally scheduled to terminate on June 1, 1980, was extended by Order No. 30-D (45 FR 56046; August 22, 1980) through May 31, 1981. By this rule, the Commission again extends the Order No. 30 program until 90 days after a final rule becomes effective in Docket No. RM81-19. A Notice of Proposed Rulemaking was issued in Docket No. RM81-19 on March 10, 1981 (46 FR 16903; March 16, 1981).¹ The Commission invites written comments in Docket No. RM81-19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil (presently encompassed in the order No. 30 program) should be included in the final rule in Docket No. RM81-19.

DATES: Effective Date: May 31, 1981. Comments must be received in Docket No. RM81-19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil should be included in the final rule in Docket No. RM81-19 on or before June 21, 1981.

ADDRESS: All comments regarding Docket No. RM81-19 to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel,

¹ See FR Doc. 81-17007 in the Proposed Rule Section of this issue.

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8457.

SUPPLEMENTARY INFORMATION: On March 10, 1981, Consolidated Edison Company of New York, Inc., National Gas and Oil Corporation, the Ohio Producers Group,² Public Service Electric and Gas Company, Salt River Project Agricultural Improvement and Power District, Long Island Lighting Company, Alabama-Tennessee Natural Gas Company, and Phelps Dodge Corporation (Petitioners) filed a petition in this Docket seeking a rulemaking pursuant to § 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7). Petitioners seek an amendment of § 284.201(e) of the Commission's regulations to provide a temporary extension of the fuel oil displacement program promulgated in Order No. 30.³ In addition, the Petitioners seek "a more effective program to replace Order No. 30," (petition at 5) which would embody eight design considerations.⁴

On May 17, 1979, the Commission issued Order No. 30 which established a short-term program authorizing the transportation of natural gas for the displacement of fuel oil. That order was adopted in response to a proposal of the Economic Regulatory Administration (ERA) of the Department of Energy which was referred to the Commission pursuant to Section 403(a) of the Department of Energy Organization Act, 42 U.S.C. 7173(a) (DOE Act).

In Order No. 30, the Commission authorized interstate pipelines to transport natural gas to end-users certified by the ERA.⁵ In significant part, the Commission determined that the public interest was served by action to displace fuel oil with natural gas in order to relieve demand pressure on distillate and related stocks of petroleum products as the peak winter heating season approached. The Commission perceived the fuel oil shortages would be relieved by the beginning of the next summer period. Hence, the rule originally terminated the program on June 1, 1980.

²The Ohio Producers Group consists of Leader Equities Inc., Clinton Oil Company, Jadoll, Inc., W. E. Shrider Company, Wilson Petroleum Corporation, Hopewell Oil and Gas Development Co., and Edco Drilling and Producing, Inc.

³Docket No. RM79-34, issued May 17, 1979, 44 FR 30323 (May 25, 1979).

⁴On May 12, 1981, the ERA referred a similar set of rulemaking design criteria to the Commission pursuant to Section 403 of the DOE Organization Act.

⁵In a related rule, the ERA established a procedure to certify the eligibility of end-users for this program. 10 CFR Part 595, 44 FR 20398 (April 5, 1979).

On August 15, 1980, the Commission issued Order No. 30-D,⁶ which extended the program through May 31, 1981. In Order No. 30-D, the Commission noted:

By [May 31, 1981], the Commission expects to implement more effective programs to dispose of excess natural gas deliverabilities. It is our objective to reassess current policies and programs and so develop a comprehensive long term policy prior to May 31, 1981.

Such a comprehensive reexamination of the Commission's transportation policies was initiated in Docket Nos. RM81-19 and RM81-29.⁷ In these dockets, the Commission proposed to issue blanket certificates to cover a variety of routine transactions. However, it does not appear that the Commission will be able to complete its consideration of public comments and issue final rules in the RM81-19 and RM81-29 Dockets prior to May 31, 1981. In addition, transportation contemplated by those proposed rules cannot occur until the Commission processes applications for blanket certificates. Accordingly, the Commission is extending the duration of the Order No. 30 program until 90 days after a final rule becomes effective in Docket No. RM81-19. This interim extension is accomplished by amending the definition of "fuel shortage emergency period" in § 284.201(e).

Written Comments

The Commission invites interested persons, who have not already done so, to submit written comments in Docket No. RM81-19 on whether the pipeline transportation of end-user natural gas for the displacement of fuel oil (presently encompassed in the Order No. 30 program) should be included in the final rule in Docket No. RM81-19.

An original and 14 conformed copies of written comments should be filed by June 21, 1981. Comments should reference Docket No. RM81-19 and should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Commission will consider all

⁶Docket No. RM79-34, Order No. 30-D, issued on August 15, 1980, 12 FERC ¶ 61,168, 45 FR 56046 (August 22, 1980).

⁷Docket No. RM81-19, Notice of Proposed Rulemaking issued on March 10, 1981, 46 FR 16903 (March 16, 1981); Docket No. RM81-29, Notice of Proposed Rulemaking, issued on April 27, 1981, 46 FR 24585 (May 1, 1981).

timely comments before acting on this issue in Docket No. RM81-19.

Effective Date

In order to avoid disruption of on-going transactions authorized under Order No. 30, this rule must take effect prior to June 1, 1981. For this reason, the Commission, in accordance with 5 U.S.C. §§ 553(b) and (d), finds that good cause exists to waive normal notice and effective date requirements. Accordingly, this rule is effective on May 31, 1981.

[Natural Gas Act, 15 U.S.C. § 717-717w; Natural Gas Policy Act of 1978, 15 U.S.C. § 3301-3432; Department of Energy Organization Act, 42 U.S.C. § 7101-7352; E.O. 12009, 42 FR 46267.]

In consideration of the foregoing, Part 284 of Chapter I, Title 18, Code of Federal Regulations, is amended as set forth, effective May 31, 1981.

By the Commission,
Kenneth F. Plumb,
Secretary.

1. Section 284.201 is amended by revising paragraph (e) to read:

§ 284.201 Definitions.

(e) "Fuel Shortage emergency period" means the period starting May 13, 1979, and ending at 11:59 p.m. on the ninetieth (90th) day following the effective date in the final rule in Docket No. RM81-19.

[FR Doc. 81-16495 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 79F-0481]

Dimethylpolysiloxane Used as a Defoaming Agent in the Processing of Food, Viscosity Specification

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations by revising the viscosity specification for dimethylpolysiloxane when used as a defoaming agent in the processing of food, to read "300 to 1,050 centistokes at 25° C" rather than "300 to 600 centistokes at 25° C" as currently listed. ICI Americas, Inc., filed a petition requesting such revision.

DATES: Effective June 9, 1981. Objections by July 9, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of February 8, 1980 (45 FR 8725), FDA announced that a food additive petition (FAP 7A3340) had been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 173.340 *Defoaming agents* (21 CFR 173.340) be amended by revising the viscosity specification for dimethylpolysiloxane when used as a defoaming agent in the processing of foods.

FDA has evaluated data in the petition and other relevant material and concludes that the use of dimethylpolysiloxane with specifications as indicated herein is safe and that the food additive regulations should be amended as set forth below.

Further, the National Academy of Sciences will be requested to revise the viscosity specification for dimethylpolysiloxane as it is listed in the "Food Chemicals Codex," 2d Ed. (1972) to reflect the amendment of § 173.340.

Likewise, because the increase in the upper limit of the viscosity range will cause an increase in the upper limit of the specific gravity range of the additive, it will also be requested that the upper limit for this specification as listed in the "Food Chemicals Codex" be changed from 0.964-0.973 to read 0.964-0.977.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 173 is amended in § 173.340(a)(2) by changing the viscosity specification in the item "dimethylpolysiloxane" in the list of substances to read as follows:

§ 173.340 *Defoaming agents.*

- (a) * * *
(2) * * *

Substances	Limitations
Dimethylpolysiloxane (substantially free from hydrolyzable chloride and alkoxy groups; no more than 16 percent loss in weight after heating 4 hours at 200° C; viscosity 300 to 1,050 centistokes at 25° C; refractive index 1.400-1.404 at 25° C)	

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 9, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 9, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

(FR Doc. 81-16836 Filed 6-8-81; 8:45 am)

BILLING CODE 4110-03-M

21 CFR Part 173

[Docket No. 79F-0419]

Acrylate-Acrylamide Resins; Safe Use as a Flocculent in Clarification of Corn Starch Hydrolyzate

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acrylate-acrylamide resins as a flocculent in the clarification of corn starch hydrolyzate. This action is based on a food additive petition filed by Tate & Lyle Process Technology, Ltd.

DATES: Effective June 9, 1981, objections by July 9, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of December 11, 1979 (44 FR 71461), FDA announced that a petition (FAP 9A3454) had been filed by Tate & Lyle Process Technology, Ltd., Cosmos House, Bromley Common, Bromley BR2 9NA, England, proposing that § 173.5 (21 CFR 173.5) be amended to provide for the safe use of acrylate-acrylamide resins as a flocculent in the clarification of corn starch hydrolyzate.

FDA has evaluated data in the petition and other relevant material and finds that acrylate-acrylamide resins are safe for their intended use and that § 173.5 should be amended as set forth below to include the petitioned additive.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 173 is amended in § 173.5 by revising paragraph (c) (1), to read as follows:

§ 173.5 *Acrylate-acrylamide resins.*

- (c) * * *

(1) The additive identified in paragraph (a) (1) of this section is used as a flocculent in the clarification of beet sugar juice and liquor or cane sugar juice and liquor or corn starch hydrolyzate in an amount not to exceed 5 parts per million by weight of the juice or 10 parts per million by weight of the liquor or the corn starch hydrolyzate.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 9, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 9, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 1, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-18637 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5262/T68; PH-FRL-1847-8]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; (\pm)Cyano(3-Phenoxyphenyl)methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl)Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has extended a temporary food additive regulation permitting residues of the insecticide (\pm)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 ppm.

EFFECTIVE DATE: Effective on June 9, 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: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of August 12, 1980 (45 FR 53457) that a food additive regulation had been established permitting residues of the insecticide (\pm)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 ppm. The regulation was requested by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540.

The scientific data reported and other relevant material has been evaluated, and it has been determined that extension of this temporary food additive regulation will protect the public health. Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, on or before July 9, 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 9, 1981.

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

Dated: May 29, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for
Pesticide Programs.

Therefore, 21 CFR 193.99 is revised to read as follows:

§ 193.99 (\pm)Cyano(3-Phenoxyphenyl)methyl (+)-4-(Difluoromethoxy)-Alpha-(1-Methylethyl)Benzeneacetate.

A tolerance is established for the insecticide (\pm)cyano(3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on cottonseed oil at 0.2 part per million. Such residues may be present therein only as a result of the application of the insecticide in accordance with the provisions of an experimental use permit that expires April 10, 1982.

[FR Doc. 81-17104 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 7a

[T.D. 7775]

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

Correction

In FR Doc. 81-13621 appearing at pages 25291 in the issue of Wednesday, May 6, 1981, on page 25293, second column, § 7a.2(g), eighth line from the bottom, "wife" should read "husband."

BILLING CODE 1505-01-M

26 CFR Part 35

[T.D. 7773]

Temporary Employment Tax Regulations Under the Act of December 24, 1980 (Pub. L. 96-601); Voluntary Withholding From Sick Pay

Corrections

In FR Doc. 81-13344 appearing on page 24553 in the issue of Friday, May 1, 1981; make the following changes:

(1) On page 24555, second column, § 35.1 (h)(1)(ii), sixteenth line of Example (2), insert "income" before "taxes".

(2) On page 24556, first column, § 35.2(a), third line, insert "the" before "sick".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 67-81]

Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation (FBI) is amending its Privacy Act regulations by clarifying its reasons for having exempted its Central Records System, JUSTICE/FBI-002, from certain Privacy Act provisions.

DATE: This rule shall be effective June 9, 1981.

ADDRESSES: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: Paragraph (b)(2) of 28 CFR 16.96 has

been revised to offer the public a clearer explanation of why the FBI's Central Records System, JUSTICE/FBI-002, is exempt from selected provisions of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). And, paragraphs (b) (1) and (2), the introductory text to paragraph (b) (3), and paragraphs (b) (4), (5), and (6) have been revised to make minor editorial corrections. Specifically, the term "paragraph," which had been inappropriately used to reference "subsections" of the Privacy Act, has been deleted and the term "subsection" has been substituted.

This rule does not constitute an amplification or expansion of the present FBI exemption rule published in 28 CFR 16.96. It simply offers the public a clearer explanation of why the exemptions which have already been promulgated are necessary. Since clarification of this rule is in the public interest, it has been determined that it is impracticable and unnecessary to provide opportunity for public comment and that it is contrary to the public interest to delay the effective date of this rule. This determination is made in accordance with 5 U.S.C. 553(b) (B) and (d)(3).

This rule is exempt from the application of Executive Order 12291 pursuant to section 1(a)(3).

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, § 16.96 of Title 28 of the Code of Federal Regulations is amended as set forth below.

Dated: May 28, 1981.

William D. Van Stavoren,
Acting Assistant Attorney General for
Administration.

Section 16.96 is amended by revising introductory text to paragraph (b), paragraphs (b) (1) and (2), introductory text to paragraph (b)(3), and paragraphs (b) (4), (5), and (6), all of which are reprinted below.

§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available to a record subject the accounting of disclosures from records concerning him/her would reveal investigative interest by not only the FBI, but also by the recipient agency. This would permit the record subject to take appropriate measures to impede the investigation, e.g., destroy evidence, intimidate potential witnesses or flee

the area to avoid the thrust of the investigation.

(2)(i) From subsections (d), (e)(4)(G) and (H), (f) and (g) because these provisions concern individual access to investigative records, compliance with which could compromise sensitive information classified in the interest of national security, interfere with the overall law enforcement process by revealing a pending sensitive investigation, possibly identify a confidential source or disclose information which would constitute an unwarranted invasion of another individual's personal privacy, reveal a sensitive investigative technique, or constitute a potential danger to the health or safety to law enforcement personnel.

(ii) Also, individual access to non-criminal investigative records, e.g., civil investigations and administrative inquiries, as described in subsection (k) of the Privacy Act, could also compromise classified information related to national security, interfere with a pending investigation or internal inquiry, constitute an unwarranted invasion of privacy, reveal a confidential source or sensitive investigative technique, or pose a potential threat to law enforcement personnel. In addition, disclosure of information collected pursuant to an employment suitability or similar inquiry could reveal the identity of a source who provided information under an express promise of confidentiality, or could compromise the objectivity or fairness of a testing or examination process.

(iii) In addition, from paragraph (d)(2) because to require the FBI to amend information thought to be incorrect, irrelevant or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an impossible administrative and investigative burden by forcing the agency to continuously retrograde its investigations attempting to resolve questions of accuracy, etc.

(3) From subsection (e)(1) because:

(4) From subsection (e)(2) because the nature of criminal and other investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his/her activities. In such investigations it is not feasible to rely upon information furnished by the individual concerning his own activities.

(5) From subsection (e)(3) because disclosure would provide the subject

with substantial information which could impede or compromise the investigation. The individual could seriously interfere with undercover investigative activities and could take appropriate steps to evade the investigation or flee a specific area.

(6) From subsection (e)(8) because the notice requirements of this provision could seriously interfere with a law enforcement activity by alerting the subject of a criminal or other investigation of existing investigative interest.

[FR Doc. 81-17108 Filed 6-8-81; 8:45 am]

BILLING CODE 4410-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1831-5]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On February 6, 1981 (46 FR 11321), the U.S. Environmental Protection Agency (EPA) proposed approval of and solicited public comment on an air quality surveillance plan submitted by the State of Wisconsin as a revision to the Wisconsin State Implementation Plan (SIP). No public comments were received. This notice announces EPA's final approval of the air quality surveillance plan as a revision to the Wisconsin SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on July 9, 1981.

ADDRESSES: Copies of the SIP revision and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

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

Copies of the submission are also available at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster Street, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection

Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the U.S. Environmental Protection Agency (EPA) to establish monitoring criteria to be followed uniformly across the nation. Pursuant to this requirement and the recommendations of the Standing Air Monitoring Work Group (SAMWG), EPA, on May 10, 1979 (44 FR 27558), promulgated Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. The regulations revoke Part 51 of Title 40 of the Code of Federal Regulations and establish a new Part 58 entitled Ambient Air Quality Surveillance.

On April 18, 1980, the State of Wisconsin submitted to EPA a SIP revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Wisconsin on September 15, 1980. EPA has reviewed the submission and determined that it meets the requirements of Sections 110 and 319 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. The complete requirements for an air quality surveillance plan are outlined in 40 CFR 58.20, and were summarized in EPA's notice of proposed rulemaking published February 6, 1981 (46 FR 11321). At that time, EPA discussed the State's submission, and proposed approval of the Wisconsin air quality surveillance plan. Interested parties were given until March 9, 1981 to comment on the plan and on EPA's proposed approval. No comments were received.

This notice announces EPA's final rulemaking action to approve the air quality surveillance plan as a revision to the Wisconsin SIP.

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

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by one State and will not cause any significant economic impacts.

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 EPA is approving provisions which are developed by and are effective in the State. EPA is not promulgating any requirements beyond the requirements imposed by the State.

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

This Final Rulemaking is issued under the authority of Sections 110 and 319 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7619).

Dated: June 2, 1981.

Anne M. Gorsuch,
Administrator.

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

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart YY—Wisconsin

Section 52.2570 is amended by adding paragraph (c) (19) as follows:

§ 52.2570 Identification of plan.

* * * * *
(c) * * *
* * * * *

(19) On April 18, 1980, the State of Wisconsin submitted a revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Wisconsin on September 15, 1980.

[FR Doc. 81-17105 Filed 6-8-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 62

[A-2-FRL 1828-7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Jersey and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act, as amended, require states to submit plans to the Environmental Protection Agency (EPA) to control fluoride emissions from

existing primary aluminum plants. Alternatively, a state can submit to the EPA a "negative declaration" which certifies that no existing primary aluminum plants are located within the state's boundaries. In the March 24, 1981 *Federal Register* (46 FR 18321) the EPA proposed approval of "negative declarations" submitted to it by the Territory of the Virgin Islands and New Jersey. Today's notice announces final approval of these "negative declarations."

DATE: This action is effective on June 9, 1981.

ADDRESSES: Copies of the "negative declarations" from the Virgin Islands and New Jersey are available for inspection at the following addresses:
Environmental Protection Agency,
Region II, Air Programs Branch, 26
Federal Plaza, Room 1005, New York,
New York 10278.

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

The Office of the Federal Register, 1100
L Street NW., Room 8401,
Washington, D.C. 20408.

New Jersey Department of
Environmental Protection, Division of
Environmental Quality, John Fitch
Plaza, Trenton, New Jersey 08625.

Virgin Islands Department of
Conservation and Cultural Affairs,
Division of Environmental Health,
Charlotte Amalie, St. Thomas, Virgin
Islands 00801.

FOR FURTHER INFORMATION CONTACT:
William S. Baker, Chief, Air Programs
Branch, U.S. Environmental Protection
Agency, Region II Office, 26 Federal
Plaza, New York, New York 10278, (212)
264-2517.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 60 require states to submit plans to the Environmental Protection Agency (EPA) to control emissions of "designated pollutants" from "designated facilities." "Designated pollutants" are pollutants which are not included in a list published under the provisions of Section 108(a) or Section 112(b)(1)(A) of the Clean Air Act, but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act. A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new. In lieu of a control plan, as provided for in 40 CFR Part 62, Subpart

A, a state can submit to EPA a "negative declaration" which certifies that for a specific "designated pollutant" no "designated facilities" exist within its boundaries.

In the *Federal Register* of March 24, 1981 (46 FR 18321), EPA proposed approval of "negative declarations" relating to fluoride emissions from existing primary aluminum plants for New Jersey and the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the "negative declarations." No comments were received. Therefore, EPA is hereby promulgating without change its approval of the "negative declarations" submitted by New Jersey and the Virgin Islands. Furthermore, this action is being made effective immediately since it imposes no hardship on any source.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action will impose no new regulatory requirements, but instead will exempt the State of New Jersey and the Territory of the Virgin Islands from the requirements of Subpart B of 40 CFR Part 60 for this particular designated pollutant.

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 identifies areas where state plans are not needed, thereby reducing further regulatory requirements.

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

(Secs. 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Note.—Incorporation by reference of the State Implementation Plans for the Territory of the Virgin Islands and the State of New Jersey was approved by the Director of the Federal Register on July 1, 1980.

Dated: June 3, 1981.

Anne M. Gorsuch,
Administrator.

Part 62, Subparts FF and CCC, Chapter I, Title 40 of the Code of Federal Regulations are amended by adding §§ 62.7602 and 62.13353 as follows:

Subpart FF—New Jersey

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.7602 Identification of plan—negative declaration.

The New Jersey Department of Environmental Protection submitted, on September 29, 1980, a letter certifying that there are no existing primary aluminum plants in the State subject to Part 60 Subpart B of this Chapter.

Subpart CCC—Virgin Islands

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.13353 Identification of plan—negative declaration.

The Virgin Islands Department of Conservation and Cultural Affairs submitted, on July 21, 1980, a letter certifying that there are no primary aluminum plants in the Territory subject to Part 60, Subpart B of this Chapter.

[FR Doc. 81-17106 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 86

[EN-FRL-1822-7]

Clarification of Regulations Establishing Emission Standards for Carbon Monoxide (CO) for Certain 1982 Model Year Light-Duty Vehicles.

AGENCY: Environmental Protection Agency. (EPA).

ACTION: Clarification of final rule.

SUMMARY: This notice clarifies the extent of coverage of a previous regulation which established a CO emission standard for one 1982 model year light-duty vehicle model for which EPA granted a waiver from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. § 7521(b)(5). The effect of this notice is to allow the affected manufacturer to introduce into commerce the vehicles in question under the less stringent waived CO emission standard prescribed below.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Jerry Schwartz Attorney/Advisor.

Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act (the Act), 42 U.S.C. § 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the statutory standard for CO, of 3.4 grams per vehicle mile (g/mi).

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. Upon granting a waiver application, the Act requires simultaneous promulgation of regulations adopting emission standards not permitting CO emissions from vehicles of the model to exceed 7.0 g/mi.

On September 13, 1979, EPA issued a waiver decision and final rule (44 FR 53376) establishing a substitute standard of 7.0 g/mi for the 1981 and 1982 model years for a 3.8 liter (L) vehicle model (engine family for purposes of that decision) produced by General Motors Corporation (GM). On January 12, 1981, GM sent EPA a letter which requested EPA to clarify whether its new 1982 model year 3.0L engine, derived from its 3.8L engine, was covered by the CO waiver granted to the 3.8L model.

EPA has concluded on the basis of the information in GM's letter and in GM's previous waiver application that the determinations made in the first CO waiver decision regarding the GM 3.8L/V-6 engine family are applicable to the 3.0L/V-6 engine, and that the technology represented by the 3.0L/V-6 is within the scope of the CO waiver granted the GM 3.8/V-6. GM has provided EPA with information that shows that the 3.0L/V-6 engine in question is similar to the 3.8L/V-6 in all major parameters except for a shorter piston stroke and consequent smaller displacement. The displacement difference between the two engines is within the 50 cubic inch displacement differential EPA has established for determining engine family relationship for certification purposes and the two engines will be employed in vehicles of similar weight and size. GM also projects slightly

improved fuel economy for the 3.0L/V-6 relative to the GM 3.8L/V-8 model.

Recent certification durability test data do indicate that the 3.0L/V-6 version may be able to meet the 3.4 g/mi CO emission standard in certification testing. Nevertheless, GM's information indicates that the 3.0L/V-6 emissions control technology is substantially similar to that of the 3.8L/V-6 for which a waiver for the 1981 and 1982 model years was previously granted. The design difference between the 3.8L and 3.0L versions are minor enough to permit me to conclude that the emissions characteristics of the 3.8L/V-6 emission control system are representative of the emissions characteristics of the 3.0L/V-6 system.

For clarification, this notice amends 40 CFR 86.082-(a)(1)(ii) to reflect this decision.

Under section 553(b) of the Administrative Procedure Act, EPA finds that a notice of proposed rulemaking on these amendments and public procedures thereon is unnecessary and contrary to the public interest. These technical amendments clarify the scope of an earlier decision based upon notice, comment, and public hearing. Repeating those procedures would be unnecessary, and would delay production and introduction of the 3.0L/V-6 engine.

Note.—EPA has determined that this action is not a major rule under Executive Order 12291, 46 FR 13193 (February 19, 1981), and therefore does not require a Regulatory Impact Analysis. These technical amendments will have no adverse effects on the economy, and indeed should result in a cost savings for consumers and the affected manufacturer. These amendments should have no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. section 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard clarified by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. § 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. §§ 7521 and 7501(a))

Dated: April 22, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corporation ..	151 CID.
	258 CID.
BL Cars, Ltd.	215 CID.
	326 CID.
Chrysler Corporation.....	11.6 liter.
	1.7 liter.
	2.2 liter.
	12.6 liter.
	3.7 liter.
	5.2 liter/2V.
Ford Motor Company	5.2 liter/4V.
	1.6 liter.
General Motors Corporation.....	2.3L/Turbocharged.
	1.6L.
	1.8/2.0 liter.
	2.6 liter/173 CID-2V.
Toyota Motor Company, Ltd.	3.0/3.8 liter/2V.
	86.6 CID.

(Section 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

Subject: Clarification of Regulations Establishing Emission Standards for Carbon Monoxide (CO) for Certain 1982 Model Year Light-Duty Vehicles.

The Regulatory Flexibility Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard clarified by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Pursuant to 5 U.S.C. section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: June 3, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-17107 Filed 6-8-81; 9:45 am]

BILLING CODE 6560-33-M

40 CFR Part 180

[PP 6F1799/R326; PH-FRL-1848-1]

Chlorothalonil; 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 a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile. The amendment to the regulation was requested by Diamond Shamrock Corporation. This regulation establishes maximum permissible levels for residues of chlorothalonil in or on the raw agricultural commodity soybeans.

EFFECTIVE DATE: Effective on June 9, 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: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the *Federal Register* of July 6, 1976 (41 FR 27776) that Diamond Shamrock Corporation, Agricultural Chemicals Division, 1100 Superior Ave., Cleveland, OH 44114, has filed pesticide petition 6F1799 with the EPA.

The petition proposed that 40 CFR 180.275 be amended to establish a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity soybeans at 0.2 part per million. No comments were received in response to this notice of filing.

The data submitted in this petition and all other relevant material have been evaluated. The scientific data considered in support of this tolerance were: two 2-year dog feeding studies (negative, with no-observed-effect-levels (NOEL) of less than 0.15 percent and 60 ppm, respectively), and an 18-month rat feeding study (NOEL of less than 0.05 percent), a 2-year rat feeding study

(NOEL of 60 ppm), a three-generation rat reproduction feeding study (NOEL of less than 0.5 percent), a second three-generation rat reproduction study (NOEL of 15,000 ppm) and a series of mutagenicity studies (cell transformation in newborn rats, DNA repair, mammalian cell Gene-Point, Ames, and an *in vitro* Mammalian Point Mutation) that resulted in negative findings except for a finding that chlorothalonil may interfere with DNA repair in TA-1538 cells. A cancer study performed by the National Cancer Institute (NCI) concluded that chlorothalonil was carcinogenic in male and female Osborne-Mendel rats, but not in B₆C₃F₁ mice. Deficiencies have been alleged in the report of the NCI study; however, the present tolerance regulation is based on the assumption that the NCI study is valid. In an Incremental Risk Assessment based on carcinogenic and chronic effects, the analysis showed that, based on the theoretical exposure and risk associated with this tolerance (and other proposed tolerances), the carcinogenic upper limits of risk are less than 1 in 10⁻⁷.

In performing the incremental risk assessment, the agency considered the potential exposure to the new born child who may consume a soy-based milk substitute. A soy-based milk substitute consists of no more than 6 percent soy oil and soy meal. Assuming that a 5 kilogram (kg) child consumes 770 grams (gm) of soy-based milk substitute per day, this is equivalent to 9.24 gm of soy substances per kg of body weight per day. By comparison, the average adult diet of 1,500 gm consists of approximately 7.25 gm of dairy products per kg of body weight. As the exposure, on a gram per kilogram of body weight basis, is not substantially different for the new born child and the adult, the agency has concluded that there would be no significant incremental risk for infants consuming a diet of soybean formula.

Based on the dog feeding study, the NOEL is 60.0 mg/kg/day. Using a 100-fold safety factor, the allowable daily intake (ADI) is 0.015 mg/kg/day and the maximum permissible intake (MPI) is 0.9 mg/day for a 60-kg person. The establishment of this tolerance results in a theoretical exposure of 0.0028 mg per day and utilizes 0.03 percent of the ADI. Established tolerances and this proposed tolerance result in a maximum theoretical exposure of 0.7633 mg/day for a 60-kg person and utilize 84.81 percent of the ADI. Tolerances have previously been established for residues of chlorothalonil in or on a variety of

raw agricultural commodities, ranging from 0.1 to 15 ppm (40 CFR 180.275).

The metabolism of chlorothalonil is adequately understood and an adequate analytical method is available for enforcement purposes (gas chromatography procedure coupled with electron capture detection).

Based on the information cited above, the agency has determined that the establishment of the tolerance for residues of the fungicide chlorothalonil in or on the raw agricultural commodity will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 9, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., S.W., Washington, D.C. 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 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 requirements of Executive Order 12291 pursuant to sec. 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-543, 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 a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* on May 4, 1981 (46 FR 24950).

Effective on: June 9, 1981.

(Sec. 408(d) (2), 68 Stat. 514, (21 U.S.C. 347(d) (2)))

Dated: May 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator, for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting the raw agricultural commodity "soybeans" in the table under § 180.275 to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

• • • • •

Commodity	Part per million
Soybeans	0.2

[FR Doc. 81-17103 Filed 6-8-81; 8:45 a.m.]

BILLING CODE 6560-36-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5865

(I-16921)

Idaho; Revocation of Stock Driveway Withdrawal Nos. 29, 48, and 237

Correction

In FR Doc. 81-15239 appearing at page 27651 in the issue of Thursday, May 21, 1981, please make the following change:

On page 27651, third column, "June 20, 1981" should appear after the words "EFFECTIVE DATE" where there is now a space.

BILLING CODE 1505-01-M

43 CFR Public Land Order No. 5866

(Nev-051741)

Nevada; Revocation of Executive Order No. 5105

Correction

In FR Doc. 81-15240 appearing at page 27652 in the issue of Thursday, May 21, 1981, please make the following change:

On page 27652, third column, under "SUMMARY:" the figure "73,328" should be corrected to read, "78,328".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket Nos. FEMA 5894, 5924, 5954]

Final Flood Elevation Determinations Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FIA.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule on base (100-year) flood elevations for certain areas in the Commonwealth of Puerto Rico that appeared on pages 21006 and 21007 in 46 FR on April 8, 1981.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTAL INFORMATION: All final elevations for all flooding sources in Rio De Bayamon Basin; Rio Fajardo Basin; Rio Grande de Loiza Basin; Rio Maunabo Basin; Rio Mamayas Basin; and Rio Tallaboa Basin, Commonwealth of Puerto Rico, appeared as "Elevation, in feet (NGVD)". The elevations should have appeared as "Elevation, meters above mean sea level (MSL)". The values appearing in the elevations column were all correct but the heading was not.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 29, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16987 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 74

Administration of Grants; Implementation of Cost Principles for Nonprofit Organizations and Amendments to Property Rules

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This amendment to the HHS Department-wide grants administration regulation implements Government-wide cost principles for nonprofit organizations. It also makes some changes in the regulation's rules on property acquired with grant support.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Richard G. Sullivan, Department of Health and Human Services, Room 533-H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 755-7613.

SUPPLEMENTARY INFORMATION: Cost Principles for Nonprofit Organizations

The Office of Management and Budget (OMB) published a notice in the *Federal Register* on April 26, 1977 inviting comments on proposed Government-wide cost principles for nonprofit organizations. Numerous comments on the proposal were received and a number of changes were made in response to the comments. OMB published the final principles in the *Federal Register* on July 8, 1980 (45 FR 46022) as OMB Circular A-122. The principles apply to nonprofit organizations other than State and local governments, Indian Tribal governments, institutions of higher education, hospitals, and certain other nonprofit organizations listed in Attachment C of Circular A-122.

HHS Implementation

This amendment to the Department's general grants administration regulation implements the new cost principles for nonprofit organizations. The amendment incorporates OMB Circular A-122 into the regulation by reference and automatically applies to any future changes to the Circular as of the start of an organization's first fiscal year beginning after OMB's publication of the change in the *Federal Register* (unless a different date is prescribed by OMB). Copies of the Circular will be provided to nonprofit organizations, upon request, by the Department's Regional Offices. This procedure is consistent with the procedure the Department follows in implementing other OMB Circulars on cost principles.

The amendment also includes provisions covering two cost elements—bid and proposal costs, and independent research and development costs—which are not covered by Circular A-122. In substance, these provisions are the same as the comparable provisions in the previous HHS cost principles for nonprofit organizations and therefore do not represent a substantive change to the regulation. As indicated in the amendment, the Department is continuing its long-standing policy of not allowing independent research and development costs (i.e., research and development which is not sponsored by grants, contracts, or other agreements). The Department believes that allowing these costs would have the effect of circumventing the process of evaluating proposed research and development projects and selecting the most meritorious projects for direct funding by the Department.

Paragraph 5. of Circular A-122 states that the nonprofit organizations listed in Attachment C to the Circular shall be subject to Federal cost principles applicable to commercial concerns. This part of the Circular is implemented in the amendment by requiring that these organizations use the cost principles for commercial concerns in Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2). However, the provisions governing the treatment of independent research and development costs in Subpart 1-15.2 are inconsistent with the Department's long standing policy in this area as discussed in the previous paragraph. Allowing these provisions to be applied to nonprofit organizations subject to Subpart 1-15.2 would also be unfair to other nonprofit organizations receiving grants from the Department. Therefore, the amendment requires the same treatment of these costs for all nonprofit organizations, including those subject to subject to Subpart 1-15.2. This aspect of the amendment also does not represent a substantive change to the regulation since all nonprofit organizations were subject to this restriction under the HHS nonprofit cost principles.

Changes in Subpart on Property

Subpart O of this regulation implements the policies on equipment and other property acquired with grant support in OMB Circular A-102, "Uniform administrative requirements for grants-in-aid to State and local governments," and OMB Circular A-110, "Uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations."

Based upon those Circulars, Subpart O defines "equipment" as tangible personal property having a useful life of more than one year and a unit acquisition cost of \$300 or more per unit. In contrast, OMB Circular A-122, which we are implementing by these amendments, defines equipment as an article of tangible personal property having a useful life of more than two years and an acquisition cost of \$500 or more. OMB Circular A-21, revised, "Cost principles for educational institutions," also uses that definition.

OMB plans to revise the equipment definition in Circulars A-102 and A-110 to make it the same as the definition in the Circulars A-122 and A-21 cost principles. In the meantime, by memorandum dated October 1, OMB authorized Federal agencies to use the definition in the cost principles for the purpose of the equipment policies in Circulars A-102 and A-110. This will

further the goal of standardization and eliminate a source of confusion for grantees. It will also reduce record-keeping and other burdensome requirements on recipients.

Accordingly, we are amending Subpart O of Part 74 by replacing the current definition for "equipment" by the one in OMB Circulars A-122 and A-21.

Subpart O includes a rule (74.141) on supplies that are left over at the end of the grant or subgrant for which they were acquired. The rule requires that the grant be credited if the supplies exceed \$1,000 in aggregate market value and are not needed for any project or program currently or previously sponsored by the Federal Government.

The rule implements a policy in OMB Circulars A-102 and A-110. OMB has recently told us that it intends the policy to apply only to supplies that have not yet been put to use in the project or program for which they were acquired. Accordingly, we are amending 74.141 so that it will apply only to these supplies.

Waiver of Proposed Rulemaking Procedures

Since this amendment to HHS regulations merely incorporates Government-wide policy established by OMB after obtaining public participation, proposed rulemaking procedures are considered unnecessary.

The provisions of the amendment concerning bid and proposal costs and independent research and development costs do not represent substantive changes to the Department's regulations; therefore, proposed rulemaking procedures are also considered unnecessary for these provisions.

Finally, the changes in the definition of "equipment" and in the rule on supplies are suggested and authorized by OMB, the first for the sake of consistency with the cost principles and the second to reflect of the intent of OMB Circulars A-102 and A-110. The changes have the effects of relieving restrictions on grantees and subgrantees. Proposed rulemaking procedures are therefore considered unnecessary for these changes.

Other Information

Timing. The changes affecting cost principles for nonprofit organizations apply as of the start of an organization's first fiscal year beginning after July 9, 1981. Early or delayed implementation is permitted by mutual agreement between a nonprofit organization and the cognizant Federal agency designated under OMB Circular A-122.

The changes to Subpart O apply as of July 9, 1981.

Effect of change in definition of equipment. Beginning July 9, 1981, recipients may regard items of tangible personal property no longer included in the definition of equipment as supplies instead of equipment. They may elect to do so for previously acquired items still on hand as well as for newly acquired items.

The Department has determined that this is not a major rule as defined in Executive Order 12291. Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: May 26, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Part 74 of Title 45, Code of Federal Regulations, is amended as follows:

1. The table of contents is amended by revising the entries for Section 74.141 and for appendix F to read as follows:

* * * * *

74.141 Unused supplies.

* * * * *

Appendix F [Reserved]

* * * * *

Authority: 5 U.S.C. 301.

2. In § 74.132, the definition of "equipment" is revised to read as follows:

§ 74.132 Definitions.

* * * * *

"Equipment" means an article of tangible personal property that has a useful life of more than two years and an acquisition cost of \$500 or more. Any recipient may use its own definition of equipment if its definition would at least include all items of equipment as defined here.

* * * * *

3. Section 74.141 is revised to read as follows:

§ 74.141 Unused supplies.

(a) This section applies to supplies which have not yet been put to use in the project or program for which they were acquired when the grant or subgrant under which they were acquired expires or is terminated.

(b) If the unused supplies exceed \$1,000 in total aggregate fair market value and are not needed for any project or program currently or previously funded by the Federal Government, the recipient may either retain or sell the supplies, and must credit the grant as follows:

(1) *Retained supplies.* The credit is computed by multiplying the Federal

share of the supplies times their current market value.

(2) *Sold supplies.* The credit is computed by multiplying the Federal share of the supplies times the proceeds from sale. However, the recipient may reduce the credit by 10% of the sales proceeds, for selling and handling expenses.

(c) For possible exemptions from this section, see § 74.135.

4. Section 74.174 is revised to read as follows:

§ 74.174 Other nonprofit organizations.

(a) Except as provided in paragraph (c) of this section, the principles to be used in determining allowable costs of activities conducted by nonprofit organizations (other than governments, institutions of higher education, and hospitals) are contained in OMB Circular A-122, including any amendments to the Circular published in the *Federal Register* by OMB. A copy of this Circular may be obtained from the Division of Cost Allocation in any HHS Regional Office. Unless otherwise prescribed by OMB, amendments to the Circular shall apply as of the start of an organization's first fiscal year beginning after the amendment is published in the *Federal Register*.

(b) OMB Circular A-122 does not cover the treatment of bid and proposal costs or independent research and development costs. The following rules apply to these costs for nonprofit organizations subject to the Circular:

(1) *Bid and proposal costs.* Bid and proposal costs are the immediate costs of preparing bids, proposals, and applications for potential Federal and non-Federal grants, contracts, and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals and applications. Bid and proposal costs of the current accounting period are allowable as indirect costs. Bid and proposal costs of past accounting periods are unallowable in the current period. However, if the organization's established practice is to treat these costs by some other method, they may be accepted if they are found to be reasonable and equitable. Bid and proposal costs do not include independent research and development costs covered by subparagraph (2) of this paragraph, or preaward costs covered by Attachment B, Paragraph 33, of OMB Circular A-122.

(2) *Independent research and development costs.* Independent research and development is research and development conducted by an organization which is not sponsored by Federal or non-Federal grants,

contracts, or other agreements. Independent research and development shall be allocated its proportionate share of indirect costs on the same basis as the allocation of indirect costs to sponsored research and development. The costs of independent research and development, including its proportionate share of indirect costs, are unallowable.

(c) The principles to be used in determining allowable costs of activities conducted by the nonprofit organizations listed in Attachment C to OMB Circular A-122 are contained in Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2), except that the costs of independent research and development, including its proportionate share of indirect costs, are unallowable.

Appendix F [Reserved]

5. Appendix F to Part 74 is removed and reserved.

[FR Doc. 81-16979 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-12-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1000

Definition of Special Agents, Accountants, and Examiners

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: The Commission recently revised the definition of special agents, accountants, and examiners in 49 CFR 1000.5(c) by final rule published on December 4, 1980 (45 FR 80292). The purpose of this document is to correct an inadvertent error made in that publication. Under 49 CFR 1000.5(c) the revised list of employee titles which follows the introductory text is now amended to add the title of "Administrative Law Judge" to the list which had been inadvertently left out.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Virgil L. Schultz (202) 275-7236.

§ 1000.5(c) [Amended]

Accordingly, 49 CFR 1000.5(c) is amended by adding Administrative Law Judges to the list of employee titles.

By the Commission,
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16952 Filed 6-8-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Directed Service Order No. 1497]

Various Railroads—Directed Service—Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

Decided: June 1, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Directed Service Order No. 1497.

SUMMARY: Pursuant to Section 18(b) of the Milwaukee Road Restructuring Act (MRRA) Pub. L. No. 96-101, as amended by Pub. L. No. 96-254, 45 U.S.C. 916(b), and 49 U.S.C. 11125, the Commission is directing various carriers named in the appendix (DRCs) to provide service over described lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, Trustee) (Milwaukee).

This directed service order is being issued on the basis of a request for three consecutive directed service periods and related certifications by the Secretary of Transportation under 45 U.S.C. 916(b). Each directed service period will be limited to (30) thirty days in duration. **EFFECTIVE DATE:** This directed service order shall become effective on June 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Joel E. Burns (202) 275-7849, or Michael Sullivan (202) 275-0826

SUPPLEMENTARY INFORMATION:

Decision of the Commission

Background

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee) filed for relief under former Section 77 of the Bankruptcy Act in December 1977. Pursuant to reorganization plans, Milwaukee embargoed service over several of its lines in South Dakota on March 1, 1980, and effected abandonment over these lines on June 28, 1980. On October 27, 1980, the Bankruptcy Court approved the sale of various abandoned Milwaukee lines to the South Dakota Railroad Authority.

Section 18 of the Milwaukee Railroad Restructuring Act (MRRA), 45 U.S.C. 916, as amended by Section 116 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), Pub. L. No. 96-254, provides for directed service over Milwaukee lines or line segments where, as in the case of South Dakota, legislation was enacted by the State legislature, prior to the date of enactment of RITEA, permitting the State to tender a *bona fide* offer for

acquisition of the lines or line segments. That section limits directed service to the 30-day period immediately prior to acquisition of an involved line or line segment. Further, that section requires that the Commission shall provide for directed service under 49 U.S.C. 11125, upon request, if the Secretary of Transportation determines that such service cannot be continued under the Emergency Rail Service Assistance Act.

Discussion and Conclusions

Section 18(b) of MRRRA provides that the Commission shall, upon request, direct service for a period not to exceed 30 days over any Milwaukee line for which the Secretary of Transportation makes an appropriate certification to the Commission. A request for service has been made and the Secretary has issued the appropriate certification for Milwaukee's lines described in the appendix. Therefore, we shall direct the named DRCs to perform operations over the certified lines. We believe that the selected DRCs will be able to perform the directed operations in an efficient, economical manner.

A request for directed service under Section 18(b) of MRRRA, although nominally pursuant to 49 U.S.C. § 11125, in fact presents a special situation with respect to labor protection. Here, for instance, because the involved lines have not been operated since March 1, 1980, there has been no existing work force providing transportation over the lines within the recent past. Therefore, the provision of 49 U.S.C. § 11125(b)(4) that the "directed carrier hire the employees of the other carrier to the extent that they provided that transportation for the other carrier," simply does not apply to the unique circumstances of this request.

Further, former Milwaukee employees would likely not be readily available for employment during the short periods of directed service proposed by this order. In addition, restrictions on the hiring practices of the DRCs might prevent the execution of directed service within the funding constraints imposed by the Federal Railroad Administration. Given the brief time involved, and the likely cost-prohibitive effect of hiring practice restrictions on the DRCs, we conclude that the imposition of mandatory labor conditions is inappropriate here. Moreover, Milwaukee employees have alternative benefits available under MRRRA, and ordinarily we do not encumber new rail operators with employee protective conditions. We see no need to burden this operation with costs that might foreclose renewed operation of these lines and eliminate

potential positions for separated Milwaukee employees and others.

The service authorized in this decision is of very limited scope and regulation under 49 U.S.C. 10901 is not necessary to carry out the transportation policy of 49 U.S.C. 10101a. Therefore, pursuant to 49 U.S.C. 10505, we will exempt the DRC(s) described in the appendix from the provisions of 49 U.S.C. 10901. Because this exemption is necessary for the immediate commencement of the requested directed service, advance public notice of the exemption, under 5 U.S.C. 553 would be impracticable, unnecessary, and contrary to the public interest.

We will direct service for the period(s) set forth in Appendix A of this order.

The terms and conditions of this directed service are set forth below.

Terms and Conditions

Effective Date—DSO No. 1497 shall be effective on the first day following the service date of this decision.

Expiration Date—Unless modified by the Commission, this order will remain in effect, with respect, with respect to each particular DRC or line segment, according to the terms set forth in the appendix.

Operations—The DRCs are authorized, respectively, to operate over the Milwaukee tracks described in the appendix. Operation over the designated tracks includes use of facilities and appurtenances thereto that are necessary or reasonably related to train operations, including but not limited to: yards and yard facilities; maintenance facilities; communication, electrical, and signal facilities; locomotive and car repair facilities; scales; etc.

Reimbursement Procedures—Reimbursement for directed service under this decision shall be limited to the amount certified for such purpose and made available by the Secretary of Transportation under Section 104(b)(1) of RITEA, and shall include only those expenses necessary to rehabilitate the track pursuant to agreements between South Dakota and the Federal Railroad Administration. Any dispersal of funds, by the Commission, will be conditioned upon receipt of such funds from the Federal Railroad Administration in accordance with the Secretary's certification.

Track Safety—The DRCs are not authorized to expend funds to rehabilitate the track except as provided in governing agreements between South Dakota and the Federal Railroad Administration.

Cars and Operating Equipment—In operating the involved Milwaukee lines, each DRC shall use its own cars and operating equipment.

Preservation of Milwaukee Property—During the period of operation of Milwaukee lines, the DRCs shall be responsible for preserving the value of the lines in accordance with the acquisition agreement between South Dakota and the Milwaukee Trustee.

Liabilities and Expenses—Prior to commencing operations, each DRC shall obtain necessary insurance in an amount reasonably estimated to cover major liabilities and expenses arising out of wrecks or derailments, personal injury claims and actions, and damage to or destruction of property on directed service lines.

Compensation for Milwaukee Lines and Facilities—This order provides for the performance of directed service operations for a period of 30 days immediately prior to acquisition of the involved line by a state. Compensation, if any, to be paid for use of Milwaukee property during directed service operations shall be governed by the terms of the relevant acquisition agreement between the State and the trustee of Milwaukee's property.

Rates—The DRCs may adopt any existing local Milwaukee rates or may establish new through or local rates on less than one day's notice to the Commission and the public.

Operational Difficulties—Any operational or other difficulties associated with the authorized operations shall be resolved by the DRC and any other affected party through negotiated agreement or, failing agreement, by the Commission's Railroad Service Board.

Reporting Requirements—The DRCs shall submit to the Commission a report on the directed service operations. This report shall include a summary of the revenues collected and the expenses incurred in the directed service operations, in a form to be specified by the Commission's Bureau of Accounts. Revenue, expenses, and statistics resulting from directed service operations shall be internally maintained separate from the DRCs other railroad operations.

We find:

1. A request for directed service has been made and the Secretary of Transportation has issued a certification to the Commission, pursuant to Section 18(b) of Pub. L. 96-101, as amended by Pub. L. 96-254, with respect to the Milwaukee lines described in Appendix A.

2. The designated DRCs are capable of performing directed service over the described line.

3. This decision will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108, (1978).

4. Application of the provisions of 49 U.S.C. 10901 to the DRC described in the appendix is not necessary to carry out the transportation policy of 49 U.S.C. 10101 a and the service the DRC is authorized to perform is of limited scope. The DRC, pursuant to 49 U.S.C. 10505, should be exempted from the provisions of 49 U.S.C. 10901.

5. Advance public notice of the exemption specified in paragraph 4, above, would be impracticable, unnecessary, and contrary to the public interest.

It is ordered:

§ 1033.1497 Various railroads—directed service—Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor (Richard B. Ogilvie, trustee)

(1) *Authority Exemption*—Pursuant to 49 U.S.C. 10505, the DRC(s) described in the appendix shall be exempt from regulation under 49 U.S.C. 10901 for the period of directed service.

(2) *Entry*—Each DRC is directed to enter upon and operate Milwaukee's lines described in the appendix pursuant to this directed service order. Entry, by each DRC respectively, shall occur and continue in accordance with the terms set forth in the appendix. Each DRC shall notify the Commission of its entry on the property immediately after such entry takes place.

(3) *Commission Filings*—All submissions filed in this proceeding should refer to "DSO No. 1497" and be sent to the following Commission offices in the Commission's Headquarters at 12th and Constitution Avenue, N.W., Washington, D.C. 20423:

- Office of the Secretary (Room 2215) (original)
- Railroad Service Board (Room 7115) (3 copies)
- Section of Finance (Room 5417) Office of Proceedings (3 copies)
- Section of Rail Service Planning (Room 5355) Office of Policy and Analysis (3 copies)

(4) *Applicability*—The provisions of this decision shall apply to intrastate, interstate, and foreign commerce.

(5) *Modifications*—The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

(6) *Funding*—All correspondence to the Commission containing requests for funding shall be addressed to: Ronald S. Young, Director, Bureau of Accounts, Interstate Commerce Commission, Room 6133, 12th and Constitution Avenue, NW, Washington, DC 20423.

Envelopes containing such requests shall have the notation "Milwaukee-DS" typed on the lower left corner.

(7) *Costs and revenues*—The DRC shall record the costs and revenues attributable to directed service in the manner prescribed in this decision and in 49 CFR 1126, 44 FR 6156, 8879 (1979) or as modified by the Bureau of Accounts, subject to the limitations set forth in the directed service certification of the Secretary of Transportation.

(8) *Service on Parties*—This decision shall be served on all parties. This decision shall also be served upon the American Short Line Railroad Association and upon the Association of American Railroads, Transportation Division (as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement).

(9) *Notice to General Public*—Notice of this decision shall be given to the general public by: (a) depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington,

DC; and (b) filing a copy with the Director, Office of the Federal Register.

(10) *Effective Date*—This decision and order shall be effective on the first day after its service date.

(11) *Expiration Date*—Unless otherwise modified by the Commission, this decision and order will expire with respect to the various DRCs in accordance with the terms set forth in the appendix.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum dissented with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, dissenting: I do not find this proposed rehabilitation project, with its incidental-at-best service, to constitute "directed service" as Congress and the Commission have used that term in the past. The \$2.6 million cost should be borne by those in South Dakota who will benefit from the rehabilitation and operation of the lines, not by the Federal Government.

Milwaukee Lines Certified for Directed Service

- A. *Carrier*. Railroad Builders, Inc.
- B. *Certification Date*. May 29, 1981.
- C. *Description of Line Segments*.
Group No. 1—Mitchell to Wolsey, S.D., Approx. 55 miles; Mitchell to Canton, S.D., Approx. 82 miles.
Group No. 2—Mitchell to Chamberlain, S.D., Approx. 67 miles; Mitchell to Scotland, S.D., Approx. 48 miles.
Group No. 3—Scotland to Elk Point, S.D., Approx. 68.5 miles.
- D. *Service Period*.
Group No. 1—June 1 through June 30, 1981.
Group No. 2—July 1 through July 30, 1981.
Group No. 3—July 31 through August 29, 1981.
- E. *Reimbursement*. In no event shall the aggregate of compensation paid or payable by the United States exceed \$2,382,643 for the total directed service period.

[FR Doc. 81-10954 Filed 6-6-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 46, No. 110

Tuesday, June 9, 1981

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 375

[Docket No. RM81-19]

Interstate Blanket Certificates for Routine Transactions

AGENCY: Federal Energy Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 10, 1981, the Commission issued a proposed rule which would modify its procedures under the Natural Gas Act for issuing certificates of public convenience and necessity to interstate pipelines (46 FR 16903, March 16, 1981). In a final rule issued in Docket No. RM79-34 on May 21, 1981 (published concurrently with this notice) the Commission extended its fuel oil displacement program pending issuance of the final rules on blanket certificates. By this notice, Commission extends the time for comments on whether the pipeline transportation of end user natural gas for the displacement of fuel oil should be included in the final rule on blanket certificate procedures.

DATE: Comments due on or before June 21, 1981.

ADDRESS: File comments with: Office of Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, FERC (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17007 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

*See FR Doc. 81-16495 in the Rules Section of this issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 161

[Docket No. 80N-0385]

Quick Frozen Lobsters, Rock Lobsters, Spiny Lobsters, and Slipper Lobsters; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Notice of Termination of Consideration.

SUMMARY: This notice terminates the review by the United States of the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Lobsters". The response to the Food and Drug Administration's (FDA's) request for comments on the provisions of the Codex standard and on the desirability of establishing a U.S. standard for quick frozen lobsters indicates that there is neither sufficient interest in nor need to warrant proposing a U.S. standard for these foods. Therefore, FDA has terminated consideration of developing a U.S. standard for quick frozen lobsters based on the Codex standard.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 4, 1980 (45 FR 73095), FDA published an advance notice of proposed rulemaking that offered interested persons an opportunity to review the Codex "Recommended International Standard for Quick Frozen Lobsters" and to comment on the desirability and need for a U.S. standard for these foods. The Codex standard was submitted to the United States for consideration for acceptance by the Joint Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission.

Two comments were received in response to the advance notice of proposed rulemaking. One of the comments opposed establishing a U.S. standard of identity and the other one suggested modifications to the standard

without expressing either approval of, or opposition to, establishing a standard. Therefore, FDA concludes that there is neither sufficient interest in nor need to warrant proposing a U.S. standard, at this time, for quick frozen lobsters under the authority of 21 U.S.C. 341.

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard for quick frozen lobsters based on the Codex standard. This action is without prejudice to future consideration of the development of a U.S. standard for quick frozen lobsters upon appropriate justification.

The Codex Alimentarius Commission will be informed that an imported food that complies with the requirements of the Codex standard for quick frozen lobsters may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Dated: June 3, 1981.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-16947 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to the Republic of South Africa

AGENCY: Postal Service.

ACTION: Proposed international express mail rates to the Republic of South Africa.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to begin International Express Mail Service with the Republic of South Africa at rates indicated in the table below. The proposed rates are scheduled to become effective on July 20, 1981.

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

ADDRESS: Written comments should be directed to the General Manager, Rate Design Division, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260. Copies of all written comments will be

available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 8608, 475 L'Enfant Plaza West, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Martin R. Anker (202) 245-4418.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 533), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed rates of postage for International Express Mail set out in the following table (designated Table 19 for inclusion as a separate country entry in the International Mail Manual, incorporated by reference 39 CFR 10.1).

In consideration of the foregoing, the Postal Service proposes to add Table 19 to the International Mail Manual to read as follows:

(39 U.S.C. 401.403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

**Table 19—Republic of South Africa
International Express Mail**

Custom designed service ^{1,2}		On demand service ²	
Up to and including (pounds)	Rate	Up to and including (pounds)	Rate
1	29.00	1	21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50
23	128.00	23	120.00
24	132.50	24	124.50
25	137.00	25	129.00
26	141.50	26	133.50
27	146.00	27	138.00
28	150.50	28	142.50
29	155.00	29	147.00
30	159.50	30	151.50
31	164.00	31	156.00
32	168.50	32	160.50
33	173.00	33	165.00

¹Rates in this table are applicable to each piece of International Customs Designed Express Mail shipped under

a Service Agreement providing for tender by the customer at a designated Post Office.

²Pick up is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-16958 Filed 6-8-81; 8:45 a.m.]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300050; PH-FRL-1848-6]

Ammonium Chloride; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment proposes that ammonium chloride, already listed as exempt from the requirement of a tolerance, be exempted for an additional use pattern. The present exemption (40 CFR 180.1001(c)) limits use to "Intensifier when used with ammonium nitrate as dessicant or defoliant." This proposed rule would add "Fire suppressant in aluminum phosphide and magnesium phosphide formulations." This proposal was submitted by Research Products Company.

DATE: Written comments must be received on or before July 9, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Research Products Company, Box 1057, Salina, KS 67401, the Administrator, proposes to add an additional use to the present exemption of ammonium chloride. This would read "Fire suppressant in aluminum phosphide and magnesium phosphide formulations."

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the

ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis for approval
Ammonium Chloride	Research Products Co., Box 1057, Salina, KS 67401.	Presently cleared under 40 CFR 180.1001(c) when used with ammonium nitrate.
		Also cleared under 21 CFR 182.90 for use in packaging of food.
		Used in medicine as expectorant, diuretic.
		Naturally occurring material in human intra- and extra-cellular fluids.

Based on the above information, and a review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001(c) will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under Federal Insecticide, Fungicide, and Rodenticide Act, which contains ammonium chloride may request, July 9, 1981, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the petition and the document control number "[OPP-300050]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Room 514D CM No. 2, Environmental Protection Agency, Arlington, VA, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

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 the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: June 1, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.1001(c) be amended by revising the entry "ammonium chloride" to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(c) * * *

Inert Ingredients	Limits	Uses
Ammonium chloride		Intensifier when used with ammonium nitrate as desiccant or defoliant. Fire suppressant in aluminum phosphide and magnesium phosphide formulations.

[FR Doc 81-17102 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6048]

Proposed Flood Elevation Determinations Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FIA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations for the Commonwealth of Puerto Rico; Rio de La Plata Basin, that appeared on page 26083 in 46 FR on May 11, 1981.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: All proposed elevations for all flooding

sources in Rio de La Plata Basin and Rio Grande de Manati Basin, Commonwealth of Puerto Rico, appeared as "Elevation in feet (NGVD)". The elevations should have appeared as "Elevation, meters above mean sea level (MSL)". The values appearing in the elevations column were all correct but the heading was not.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 29, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-16986 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 310

Merchant Marine Training; Regulations and Minimum Standards for State Maritime Academies and Colleges

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The Maritime Administration proposes to amend its regulations relative to merchant marine training at the State maritime academies to conform the regulations to the provisions of the recently enacted Maritime Education and Training Act of 1980 (Pub. L. 96-453) and to revise the form of the agreement between the Maritime Administration and the State maritime academies and colleges.

DATES: Written comments by interested persons must be received on or before June 24, 1981. The standard agreement between the Maritime Administration and the six State maritime academies to be executed on or before July 1, 1981, provides that it is subject to the provisions of the regulations. Accordingly, an abbreviated comment period is required.

ADDRESS: Send the original and five (5) copies of the comments to the Secretary, Maritime Administration, Washington, D.C. 20230. All comments will be made available for inspection during normal business hours in Room 3099-B, Department of Commerce, 14th & E Streets, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Erich J. Bernhardt, Academies Program Officer, Maritime

Administration, Office of Maritime Labor & Training, Main Commerce Building, Washington, D.C. 20230 (202) 377-1170.

SUPPLEMENTARY INFORMATION: The Maritime Education and Training Act of 1980 (Pub. L. 96-453) contains a number of key provisions with respect to merchant marine training at the State maritime academies. The following is a summarization of the substantive changes the Maritime Administration is proposing to conform the regulations in Subpart A of 46 CFR Part 310 to the requirements of law, as amended by Pub. L. 96-453.

Section 310.2 Federal Assistance—We are proposing that a provision on fuel costs be added in the event that funds should be appropriated and be available for this purpose.

Section 310.3 Schools and Courses—The paragraph dealing with the use of the training ships is being revised to clarify the fact that the training ships may also be used as instructional and laboratory facilities and for berthing of entering class cadets on a limited basis. The provision concerning the admission of out-of-state students would be amended. It now states that a school must agree to admit residents of other states to the extent of "at least 10 percent of the school's student capacity." It would be amended to tie the 10 percent requirement to the size of the entering class rather than the student capacity, which may or may not be fully utilized. Finally, it provides that copies of the Federal Curriculum Standards for Merchant Marine Officer Training at the State maritime academies may be obtained from the Office of Maritime Labor and Training, Maritime Administration.

Section 310.4 Training Ship—As amended this section would provide greater detail about the responsibilities of the Federal Government and the schools in various areas such as the furnishing of a training ship, maintenance and repair, property aboard the ship, condition surveys, cruises, hospitalization and termination of use of a ship.

Section 310.5 Personnel—As amended it would further clarify the qualifications for the Commanding Officer of the training ship and require that the requisite two (2) years minimum experience as a Master, Chief Officer, Commanding Officer or Executive must have been obtained within the last five (5) years.

Section 310.6 Entrance Requirements—The proposed amendments provide that as a condition of Federal support cadets enrolled prior

to April 1, 1982, must take all necessary and positive steps to obtain a commission as Ensign, Merchant Marine Reserve, U.S. Naval Reserve. Further, it provides that such students will agree that a graduation certificate will not be issued to subsidized students until they pass the United States Coast Guard original licensing examination. Also, it provides for entrance requirements of students admitted on or after April 1, 1982. The requirements track the provisions of the Maritime Education and Training Act of 1980.

Section 310.7 Federal Student Subsistence Allowances and Student Incentive Payments—As revised this section sets forth the policy regarding subsidized cadets who are disenrolled or make a commitment to the Naval Reserve Officers Training Corps Program. Such individuals may not reclaim their original subsidy status.

A new provision on student incentive payments is proposed. Essentially, it describes the manner in which student incentive payments will be awarded and indicates that unused payments may be temporarily reallocated on a need basis to other academies. Also, it provides the form of a service obligation agreement which students sign in order to be able to receive the student incentive payment. The agreement contains stipulations concerning the use of Federal funds, completion of the course of instruction, completion of the licensing requirements, commissioning as an officer in a reserve component, and serving the foreign and domestic commerce and national defense of the United States for at least three (3) years following graduation. Further, the provision defines what is considered acceptable marine-related employment, i.e., positions of operational, management and administrative responsibility. A satisfactory year of afloat employment is also defined and the three year reporting requirements of the graduates are delineated.

Finally, it describes the consequences for breaching the service obligation agreement. Students who are in their junior or senior year may be ordered to active duty in the United States Navy for a period not to exceed two (2) years. Graduates who breach their agreement may be ordered to active duty in a uniformed service of the United States for a period not more than the unexpired portion of their three (3) year service requirement. The service obligation requirements may be waived in hardship cases. Also, in exceptional cases two (2) year deferments of the service obligation may be granted for the purpose of doing marine or

maritime-related graduate study at an accredited graduate school.

Section 310.13 Form of Agreement—This section sets forth the format of a new agreement that will be effective July 1, 1981. It incorporates the provisions of Pub. L. 96-453, pertinent provisions from the current agreements, the latest addendum concerning an audit clause in the current contracts. Additionally, it reflects appropriate changes regarding style and terminology.

The Assistant Secretary of Commerce for Maritime Affairs has made a determination, pursuant to the provisions of Executive Order 12291 that the preparation of a regulatory impact analysis is not required. The proposed regulation is not considered a major rule under Executive Order 12291. The regulation concerns maritime training, would have no impact on U.S. commerce, and does not require preparation of a regulatory flexibility analysis, pursuant to the regulatory Flexibility Act of 1980 (Pub. L. 96-354). The reporting requirement imposed on six (6) State academies under § 310.7(b)(6) is exempt from the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The Maritime Administration will develop specific reporting requirements for State academy graduates which are subject to approval by the Office of Management and Budget. Accordingly, it is proposed that 46 CFR, Part 310, Subpart A be revised to read as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State Maritime Academies and Colleges

Sec	
310.1	Definitions.
310.2	Federal assistance.
310.3	Schools and courses.
310.4	Training ship.
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§ 310.1 Definitions.

For purposes of §§ 310.1 through 310.13:

(a) "The 1958 Act" means the Maritime Academy Act of 1958, Public Law 85-672.

(b) "Act" means the Maritime Education and Training Act of 1980, Public Law 96-453.

(c) "Administration" means the Maritime Administration, United States Department of Commerce.

(d) "Agreement" means an agreement between a State maritime academy or college and the Assistant Secretary of Commerce for Maritime Affairs as authorized by the 1958 Act or the Act and set forth in § 310.13 of this part.

(e) "Secretary" means Secretary of Commerce.

(f) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs.

(g) "Cadet" means cadet enrolled in the United States Maritime Service and in good standing at a State or Territorial maritime academy or college meeting the requirements of the 1958 Act.

(h) "Commanding Officer" means the Commanding Officer of a training ship furnished by the Administration.

(i) "Deputy" means the Deputy Assistant Secretary.

(j) "Maritime Service" means the United States Maritime service.

(k) "Officers" means all officers and faculty employed by a State maritime academy or college.

(l) "Region Director" means the Director of the Administration's region office in which a School is located or in which a training ship is located.

(m) "School" means State or Territorial or Regional maritime academy or college meeting the requirements of the Act.

(n) "Superintendent" means the superintendent or president of a School.

(o) "Supervisor" means the employee of the Administration designated to supervise the Federal Government's interest in a School under the provisions of the Act, an agreement, and this subpart.

(p) "Training ship" means a vessel used for training by a school and furnished by the Administration to a State or Territory, and includes the ship itself and all its equipment, apparel, appliances, machinery boilers, spare and replacement parts and other property contained in it.

(q) "Midshipman" means a student in good standing at a State maritime academy or college who has accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) under the Act.

§ 310.2 Federal assistance.

(a) The Assistant Secretary may enter into agreements with the present or later established schools (not more than one

such school in each State or Territory) meeting the requirements of the Act to make annual payments, for not in excess of four (4) years in the case of each such agreement, to be used for the maintenance and support of such schools. The amount of each such annual payment shall be not less than the amount furnished to such academy for its maintenance and support by the State or Territory in which such academy is located or, in the case of a Regional maritime academy an amount equal to the amount furnished to such academy for its maintenance and support by all States or Territories, or both, cooperating to support such academy but shall not exceed \$100,000. However, the amount shall not exceed \$25,000, if such academy does not meet the requirements of subsection 1304(f)(2) of the Act.

(b) Pursuant to the provisions of section 1304 (c) of the Act, The Assistant Secretary, may furnish to any State or Territory of the United States for use as a training ship by a school any suitable vessel that is under his or her jurisdiction, obtain such vessel from any department or agency of the United States, or may construct and furnish a suitable vessel, if such vessel is not available.

(c) The Assistant Secretary may pay to any school the amount of the costs of all fuel consumed by a training ship furnished under the provisions of section 1304 (c)(1) of the Act while such vessel is being used for training purposes by such a school.

(d) As a condition to receiving any payments or the use of any training ship under the provisions of the Act, the school shall comply with the requirements of the Act and this subpart and shall agree in writing to conform to such requirements.

(e) As a further condition to receiving any payments or the use of any training ship, a school shall agree that, with respect to the training program for merchant marine officers, consistent with provisions of the Act, the 1958 Act, and the Agreement, it will comply with the following provisions of law and implementing regulations duly promulgated thereunder, to the extent applicable, including, but not limited to: Title VI, Civil Rights Act, 1964, (42 USC 2000d); the Age Discrimination Act of 1975 (42 USC 6101); the Vocational Rehabilitation Act—Section 504 (29 USC 794); and 15 CFR Part 8. Each school shall give assurances that it will take any and all measures necessary to effectuate compliance.

§ 310.3 Schools and Courses.

(a) *Schools with Federal aid.* The following schools are presently operating with Federal aid under the 1958 Act or the Act:

California Maritime Academy
Maine Maritime Academy
Massachusetts Maritime Academy
State University of New York Maritime College
Texas Maritime College of the Texas A&M University at Galveston
The Great Lakes Maritime Academy

(b) *General rules for operation of schools.* (1) The schools shall maintain adequate berthing, messing and classroom instruction facilities ashore, or have plans to establish same at the earliest possible time, unless prevented from doing so by conditions beyond the control of the school. During a period a school is implementing an approved plan, cadets may be housed and instructed on a training ship. However, the approved plan may include the ongoing use of the training ship as an instructional and laboratory facility and for the berthing of entering class cadets for a period not to exceed six months for purposes of shipboard indoctrination.

(2) The school shall arrange for the cadet or midshipman to take the United States Coast Guard original licensing examination prior to the date of graduation.

(3) As a condition to receiving payments of any amount allowable by the 1958 Act and the Act in excess of \$25,000 for any year, a school shall agree to admit student residents of other States to the extent of at least ten percent (10%) of each entering class, if such out-of-State students apply for admission and are otherwise qualified for such admission. The calculation of residents of other States shall exclude residents of foreign countries, but shall include residents of Territories and possessions of the United States (including the Commonwealth of Puerto Rico).

(4) Upon the request of the Administration a school shall furnish such reports and estimates as may be required in the preparation of Federal Budget estimates.

(5) State authorities shall prescribe and administer rules and regulations for the internal organization and administration of each school.

(6) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(7) Records pertaining to a school, its officers, crew, cadets, the training ship, and shore base, shall be maintained by each school and shall be available to the

Supervisor upon request. A detailed record of applications for admissions, enrollments, reenrollments, absences with or without leave, hospitalizations, determinations of students not in good standing, disenrollments, graduations, and other data concerning cadets and Midshipmen shall be kept by each school for the period of enrollment plus one year. Copies of these records shall be furnished to the Supervisor upon request.

(8) The Administration may include in any pamphlets, brochures or other public information materials an adequate description of each school giving the reader knowledge of the existence of the school, its purposes and where to obtain application forms and further information.

(c) *Curriculum.* (1) The minimum period of training shall be three (3) years. For the cadets and midshipmen at the schools located in California, Maine, Massachusetts, New York and Texas at least six (6) months of the total time must be aboard a training ship in cruise status. A maximum of two (2) months of training time aboard commercial vessels of not less than 2,500 horsepower may be substituted for two (2) months of the specified cruise time. For the cadets at the Great Lakes Maritime Academy, six (6) months of the time shall be aboard Great Lakes commercial vessels and an additional three (3) months shall be aboard either a training ship in a cruise status or Great Lakes commercial vessels while underway. Cadets in training status aboard commercial vessels shall sign on board as cadets and shall pursue their training within the framework of formal sea projects prepared and monitored by their respective schools.

(2) State authorities shall prescribe and be responsible for the courses of instruction and general system of training and the addition of such reasonable maritime courses as may be prescribed by Federal authorities, subject to approval by the Assistant Secretary. The curriculum as a composite shall, as a minimum, meet the requirements set out in the Federal Curriculum Standards for Merchant Marine Officers Training Program.

(3) Copies of the Federal Curriculum Standards for Merchant Marine Officers Training Program at the State maritime academies may be obtained from the Maritime Administration, Office of Maritime Labor and Training, Main Commerce Building, Washington, D.C. 20230.

§ 310.4 Training ship.

The Administration may furnish a training ship, if such is available, to each of the schools. Training ships which may be designated for use by an academy will be delivered to the academy at a location determined by the Maritime Administration, in condition found to be in class by the American Bureau of Shipping and certificated by the U.S. Coast Guard. If a training ship is not available, adequate cruising facilities shall be the responsibility of the State and its school. The furnishing of a training ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State and its school shall exercise reasonable care to safeguard the interests of the Administration and avoid (i) injury to any person aboard the training ship, and (ii) loss and damage of every nature with respect to the training ship. Also, the school shall have reasonable layup procedures during noncruise status of the training ship.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate Region Director in the event of an accident causing (i) serious injury to any person, or to the training ship, or (ii) damage inflicted by the training ship upon any other ship or other property. Such reports shall be followed by complete written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the training ship at the base in its home port is suitable from the standpoint of safe mooring. When the training ship is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the training ship and any contemplated change of berth.

(5) The following notice shall be posted conspicuously aboard each training ship furnished to a State for use by a school:

This training ship is the property of the United States of America. It is furnished to the State of _____ by the Department of Commerce, Maritime Administration, for the purpose of training young men and women to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power or authority to create, incur or permit to be imposed upon this vessel, any lien whatever.

(6) No changes requiring U.S. Coast Guard approval shall be made to the

training ship without the written approval of the Administration.

(7) In the event of the termination of the use of a training ship by the State or by the Assistant Secretary, the State shall return to the State base port, the training ship and all property whatsoever owned by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge.

(b) *Termination of use.* The Assistant Secretary may terminate the use of a training ship upon such reasonable notice to the State as the circumstances may permit in the judgment of the Assistant Secretary. If use of the training ship is terminated by the Assistant Secretary, the Assistant Secretary may:

(1) Substitute another training ship;
(2) Require the sharing of a training ship by two or more schools; or

(3) Cooperate with the school in arranging for training time aboard commercial vessels for its cadets and midshipmen.

(c) *Property aboard the training ship.* The State shall have the complete use of a training ship as defined, subject to the following terms and conditions:

(1) All property or its equivalent shall be returned to the Administration when use of the training ship is terminated. The only exceptions are: spare and replacement parts consumed; and losses due to ordinary wear and tear, unavoidable accident and perils of the sea. All other property otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the training ship to the shore base without the prior written approval of the Supervisor.

(3) The administration shall take inventories of State and Federal property aboard the training ship at such times as it deems necessary. The school, at its expense, shall furnish such assistance as may be necessary in taking such inventories.

(d) *Condition Surveys.* Before a training ship is released to a school and manned by officers under State control, a condition survey shall be made by duly authorized representatives of the school and the Administration. If the training ship is found in order, the school representative shall sign a receipt for the training ship. Subsequently, after due notice to the State authorities, a condition survey may be made of the training ship whenever deemed advisable by the Administration, and, in any event, upon redelivery of the

training ship by the State to the Administration.

(e) *Maintenance and repairs.* (1) A training ship shall be maintained in good repair by the Secretary as provided by the 1958 Act and the Act. Expenses for repairs, changes and alterations, repairs to equipment and replacements of equipment in accordance with the Administration's approved allowance lists for the training ship (i.e. authorized under the Act and to the extent that funds are available), shall be borne by the Administration under the following terms and conditions:

(i) When it is necessary to repair or drydock the training ship because of damage (except in an emergency, when on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Region Director by telephone or telegraph in order to enable a representative of the Region Director, if available, to be present, when the survey of the damage is made.

(ii) Repairs which need not be carried out during the annual overhaul period shall be made by the Cadets or Midshipmen, if possible, under the supervision of the officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the cadets or midshipmen. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if procurement of the material is authorized.

(iv) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer or Superintendent to the Supervisor at least forty-five (45) days before the date of the annual overhaul, with one copy to the Region Director.

(v) The State is authorized to expend not to exceed \$5,000 for emergency repairs which become necessary while the training ship is on foreign cruise. The Administration shall reimburse the State upon submission of vouchers to, and approval by, the Assistant Secretary. To obtain reimbursement for emergency repairs estimated to cost in excess of \$5,000, authorization must be obtained by the State from the Supervisor prior to undertaking such repairs. The Commanding Officer shall be responsible for all necessary filings with the United States Customs Service to avoid duties upon all emergency repairs

performed outside the United States. If penalties are imposed, for non-filing or improper filing, they shall be solely the responsibility of the State. Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the training ship, adhere to minimum levels of preventive maintenance as prescribed by the Administration, and keep the training ship above the waterline clean and painted according to good maritime practices.

(ii) Cause the training ship to be fumigated if required by the Administration and forward to the Supervisor a copy of the fumigation certificate.

(iii) Pay for all consumable stores, freshwater and costs incidental to the operation of the training ship.

(iv) Pay for fuel of the training ship except that the Administration may assist in paying the cost of fuel consumed on the training ship while being used for training purposes if funds are appropriated and available for such purposes.

(f) *Cruises.* The school shall submit the cruise itinerary of the training ship including a listing of foreign ports to be visited, for approval of the Supervisor at least sixty (60) days in advance of the date such cruise is scheduled to begin. The Supervisor shall arrange with the Department of State for clearance of the training ship to visit foreign ports. Permission for the training ship to visit United States Naval stations or Naval bases shall be arranged by the Supervisor.

(g) *Hospitalization.* The school shall be responsible for all medical treatment and hospitalization of all persons aboard the training ship at all times, including officers and cadets and midshipmen. If available, facilities of the United States Public Health Service should be utilized.

(h) *Repatriation and return to home port.* The school shall be responsible for the return to the home port of the training ship of all persons, including officers and cadets and midshipmen, who originally embarked on a training cruise from a Continental United States port and who are left behind, after the departure of the training ship from any port, foreign or domestic, or are to be brought home from the ship at any time or for any reason. The school shall be solely responsible for all expenses of repatriation and return to home port.

§ 310.5 Personnel.

(a) *Selection and appointment of Superintendent and faculty by State authorities.*

(1) The State shall select and appoint the Superintendent of a school in accordance with qualifications established by appropriate State authorities. The State shall notify the Assistant Secretary whenever a new Superintendent is appointed and furnished with appropriate background information on the appointee for informational purposes.

(2) The State shall appoint faculty members in disciplines other than engineering and navigation on the basis of the same criteria used in the employment of such personnel in State-supported colleges and universities throughout the State. Faculty members in navigation and engineering courses, including steam and diesel, shall meet appropriate academic and practical experience standards adopted by the school and approved by the Administration.

(b) *Personnel for training ships.* (1) *Commanding Officer.* The Commanding Officer shall hold a valid Master's Ocean, Unlimited Tonnage license, including Radar Observer endorsement issued by the United States Coast Guard and must have served at least two (2) years within the last five (5) years as Master, Chief Officer, Commanding Officer, or Executive Officer either (i) on oceangoing vessels under the authority of said Master's Ocean, Unlimited Tonnage license, or (ii) in the case of sea service as a member of the Uniformed Services of the United States, on ships accepted by the United States Coast Guard as equivalent for qualifying service for issue of a Master's Ocean, Unlimited Tonnage license.

(2) *Chief Engineer.* The Chief Engineer must hold a valid Chief Engineer's (Steam) Ocean, Unlimited Horsepower license, issued by the United States Coast Guard and have served as Chief Engineer of an oceangoing steamship of comparable horsepower to that of the particular training ship.

(3) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, shall hold valid Ocean, Unlimited Tonnage licenses, issued by the United States Coast Guard, in their particular field.

(4) *Radio Officers.* During each training cruise the training ship will be required to have assigned one or more radio officers holding a valid license issued by the United States Coast Guard, in accordance with its regulations.

(5) *Licensed Engineer.* When a training ship boiler is in operation, there

shall be a Licensed Engineer qualified to stand the watch aboard at all times.

(c) *Insignia for officers and other School personnel.* The State may furnish insignia for officers and other school personnel, other than officers of the United States Navy, United States Naval Reserve, United States Maritime Service and United States Coast Guard.

§ 310.6 Entrance requirements.

(a) *Enrollment prior to April 1, 1982.* A candidate for admission to a school who wishes to be considered for Federal student subsistence payments shall:

(1) Be a citizen of the United States.
 (2) Agree in writing before admission to (i) complete the Naval Science curriculum (ii) take all necessary and positive steps to obtain a commission as ensign in the United States Naval Reserve, (iii) apply before graduation for such commission, and (iv) accept such commission if offered. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments. The requirements of this paragraph shall not apply at The Great Lakes Maritime Academy.

(3) Agree in writing before admission to sit for the appropriate licensing examination of the United States Coast Guard and, further, agree that the School shall not issue a graduation certificate until the United States Coast Guard examination is passed. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments.

(4) Meet the physical standards specified by the United States Coast Guard for original licensing as a merchant marine officer. The written certification of the Superintendent of the school, based on a physical examination by a doctor, the results of which are on record at the school, that a candidate meets these requirements, will be acceptable to the Administration.

(5) Possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the school is located.

(6) Meet requirements established by the school in regard to such criteria as the individual's secondary school grades, rank in graduating class, aptitude, achievement as measured by an objective examination, character, personality and qualities of leadership.

(b) *Enrollment on or after April 1, 1982.* A candidate for admission to a school who wishes to be considered for

the Federal student incentive payments shall:

(1) meet the requirements of subparagraphs 1, 4, 5 and 6 of paragraph (a) above.

(2) be at least seventeen (17) years of age and not have passed the twenty-fifth (25th) birthday on the day of enrollment at a school.

(3) apply for, be offered, and have accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) and simultaneously have applied and been accepted for Enlisted Reserve status.

§ 310.7 Federal student subsistence allowances and student incentive payments.

(a)(1) In accordance with the Administration's established freshmen subsidy allocation for each school, the school shall select the individuals in its new entering class who will be enrolled in the United States Maritime Service as cadets and start to receive Federal student subsistence payments for uniforms, textbooks and subsistence as provided in the 1958 Act. The freshmen subsidy allocations for each school are as follows: California Maritime Academy 110; Maine Maritime Academy 150; Massachusetts Maritime Academy 77; State University of New York Maritime College 251; Great Lakes Maritime Academy 50; and the Texas Maritime College 35. Each student who meets the entrance requirements in § 310.6(a) and applies for enrollment in the United States Maritime Service shall be entitled to consideration for a student subsistence payment at a rate and under the conditions in the 1958 Act. The list identifying the selected students shall be forwarded to the Administration on or before October 31, 1981. The Federal student subsistence payments will be paid to the school while a cadet is in attendance but not in excess of four (4) academic years for any one student. There will be no substitution for students removed or dropped from the list of those originally receiving Federal student subsistence payments. Subsidized students who resign or are disenrolled from a school shall not, on subsequent reenrollment, be in a position to reclaim their subsidy status. The selection of the students to receive such payments shall be made by the school in accordance with criteria established by the school, with the prior approval of the Administration. The rate of Federal student subsistence payments will be determined by the Administration according to the 1958 Act or the Act.

(2) Subsidized cadets who make a commitment to the Naval Reserve Officer Training Corps will be removed from the Maritime Administration subsidy rolls effective on the date they receive funds from the United States Navy. Should they leave the Navy program for any reason they may not reclaim the Maritime Administration subsidy as a cadet.

(3) The Administration shall make the Federal student subsistence payments no more frequently than monthly, directly to the school upon the presentation of a statement containing the names of each cadet selected by the Academy (within the quotas furnished pursuant to paragraph (a) of this section) to be enrolled in the Maritime Service and to receive the Federal student subsistence payments. For newly selected Cadets in a new entering class, the statement supporting the first voucher for payment shall certify that the cadets have met the entrance requirements in § 310.6.

(4) All vouchers submitted for payment shall contain a certification by the Superintendent that the payment will be used to assist in defraying the cost of the uniforms, textbooks, and subsistence of each cadet on the basis of the amount to which the cadet is entitled, as reflected by the attached Daily Attendance Report. No cadet shall receive a federal student subsistence payment for any time during which he or she is absent without leave or for absence due to a condition not in line of duty, or when determined by the school to be not in good standing.

(5) If it appears that the amount appropriated by Congress under the Act shall not be sufficient to make payments at the maximum rate, not in excess of \$1,200 per academic year per cadet, the Assistant Secretary, after consultation with the schools, may determine the exact rate to be paid at each school for the remainder of the fiscal year.

(b) *Federal student incentive payments.* (1) *General provisions.* In accordance with the Administration's established subsidy quotas for new entering classes entering after April of 1982, each school will identify to the Administration; the students who are to be considered for the student incentive payment authorized by the Act. The students so identified must meet the requirements of § 310.6(b). The Administration shall provide the school with the necessary service obligation agreements. The agreements will be signed by the designated students and returned by the school to the Supervisor and shall become effective when signed by the Supervisor or his or her designee. A copy shall be returned to the school

for transmittal to the student. Payments will be issued to these midshipmen in amounts equaling \$1,200 for each academic year of attendance. Payments shall commence to accrue on the day each such midshipman begins his or her first term of work at the school. Such payments shall be made quarterly to the midshipman until the completion of his or her course of instruction but in no event for more than four (4) academic years.

The school shall submit a monthly certified Daily Attendance Report listing the names of all designated midshipmen who are entitled to student incentive payments.

(2) Temporary reallocation of Federal student incentive payments. If a school does not have a sufficient number of eligible freshmen to utilize all of its allotted payments, then the unused subsidies may be reallocated on a need basis to academies with eligible students. In the next academic year, each school's subsidy quota for entering students will revert to its original level.

(3) *Form of the Service Obligation Agreement.* The service obligation agreement shall obligate the midshipman to—

(i) use the student incentive payment to defray the cost of uniforms, books and subsistence;

(ii) complete the course of instruction at the school unless sooner separated by the school;

(iii) take the examination for a license as an officer in the merchant marine of the United States on or before the date of graduation from a school and to fulfill the requirements for such license not later than three (3) months after graduation;

(iv) maintain a license as an officer in the merchant marine of the United States for at least six (6) years following graduation from a school;

(v) apply for an appointment as, accept if tendered, and serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other Reserve unit of an armed force of the United States, for at least six (6) years following graduation from a school; and

(vi) serve the foreign or domestic commerce or both, and the national defense of the United States for at least three (3) years following graduation from a school—

(a) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the

United States or by any State or Territory of the United States;

(b) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Assistant Secretary), if the Assistant Secretary determines that service under paragraph (a) is not available to such individual;

(c) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(d) by combining the services specified in clauses (a), (b) and (c).

(4) *Marine-related employment.* (i) graduates who intend to claim employment in a United States maritime-related industry, profession of marine science as meeting all or part of the service obligation under (3)(vi) above, shall submit evidence to the Supervisor that they have conscientiously sought employment as a merchant marine officer, and that such employment is not available. Such evidence and other information available, shall be considered in any finding. In view of current and projected employment opportunities afloat, the Assistant Secretary will grant the shoreside employment option infrequently and only on the basis of comprehensive evidence.

(ii) The Assistant Secretary may consider the positions of operational, management and administrative responsibility in the following marine-related categories under the provisions of paragraph (3)(vi)(b) of this section: civilian employment in Federal and State agencies related to maritime affairs, steamship companies, stevedoring companies, vessel chartering and operations, cargo terminal operations, naval architecture, shipbuilding and repair, municipal and state port authorities, port development, marine engineering, and tug and barge companies. The above list is not all inclusive and is only intended to serve as a general guide.

(5) *Afloat employment year.* For purposes of the service obligation, a satisfactory year of afloat employment, shall be a number of days employed afloat that is at least equal to the median number of days of seafaring employment under Articles achieved by deck or engine officers in the most recent calendar year for which statistics are available.

(6) *Reporting requirement.* The schools shall promptly submit copies of all resignation forms (containing the name, reason, address and telephone number) of juniors and seniors to the Supervisor, to be used for monitoring and enforcement purposes. Each

graduate shall submit an employment report form to the Supervisor on or before July 1 of each year following their year of graduation, for three years. In case a deferment has been granted to engage in a graduate course of study, semi-annual reports must be submitted for any extension of the three (3) year obligation period resulting from such deferments. Reporting forms will be distributed by the school and the Supervisor. The reporting requirement for graduates will not become effective until there are State academy graduates subject to this provision, not earlier than 1985. The specific form to be developed by the Maritime Administration shall be subject to approval by the Office of Management and Budget.

(7) *Breach of Agreement.*

(i) If the Administration determines that any midshipman who has attended a school for not less than 2 years has failed to complete the course of instruction at a school, the Secretary of the Navy may order that midshipman to active duty in the United States Navy, to serve for a period of time not to exceed 2 years. The Supervisor shall submit the list of those who have breached their agreement to the Chief of Naval Education and Training, Pensacola, Florida 32508.

(ii) If the Administration determines that a graduate of a school has broken his or her agreement under paragraph (3), the Secretary of the Navy may order that individual to active duty to serve a period of time not less than 2 years and not more than the unexpired portion of the service required. The Assistant Secretary for Maritime Affairs, in consultation with the Secretaries of Defense and Transportation, shall determine in which service the graduate shall serve such period of time.

(8) *Waivers.*—Waivers may be granted in cases where there would be undue hardship or impossibility of performance of the provisions of the agreement due to accident, illness or other justifiable reason. Applications for waiver will be submitted to the Supervisor.

(9) *Deferments.*—

In exceptional cases the Administration may grant a deferment of all or part of the service commitment under clauses (3)(ii)—(vi) for a period not to exceed two years, only for graduates considered to have superior academic and conduct records while at the school, for the purpose of their entry after graduation into a marine-or maritime-related graduate course of study at an accredited graduate school. However, the Secretary of the department (including the Secretary of the department in which the U.S. Coast Guard is operating and the Secretary of

Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service shall approve any deferment of service as a commissioned officer. Applications for such deferment shall be made through the Superintendent of Midshipman's school, who shall forward each application together with the Superintendent's recommendation for approval or disapproval and an evaluation of the applicant's academic and conduct records, to the Supervisor for appropriate action.

(10) *Determination of Compliance with Service Agreement, Appeals and Review Procedures.*—

(a) An official of the Administration designated by the Supervisor shall:

(i) render determinations of whether a student or graduate has breached his or her service agreement;

(ii) grant or deny a deferment of the service obligation under subparagraph (g) above;

(iii) grant or deny a waiver of the requirements of the service agreement in hardship cases.

(b) A four-person Review Panel consisting of the Supervisor serving as Chairman, and representatives of the Department of the Navy, the NOAA Corps, and the U.S. Coast Guard, shall:

(i) consider appeals of the decisions of the designated official pertaining to a breached agreement in hardship cases;

(ii) consider appeals from denial of deferral by the designated official; and

(iii) consider any issues of procedure or of the merits of cases referred to it by the designated official.

(c) The procedures for processing determinations of compliance with the service agreement shall be developed by the Supervisor and approved by the Assistant Secretary. Actual notice of such procedures will be given to each student at the time of enrollment in the program.

The decisions of the Review Panel on appeals shall be final.

§ 310.8 Leave.

Cadet and midshipman leave without loss of Federal student subsistence or incentive payments shall be as follows, with the specific periods to be set at the discretion of the Superintendent on an academic year basis:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four (4) months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed seven (7) days.

(c) Annual leave not to exceed thirty (30) days.

(d) Christmas and Easter not to exceed a total of twelve (12) days. All legal holidays—Federal and State. This leave is in addition to that granted in paragraph (c) of this section.

(e) Leave in addition to that provided in paragraphs (1)—(4) of this section, may be granted only if approved in advance by the Supervisor upon direct request by the Superintendent.

§ 310.9 Medical attention and injury claims.

(a) *Medical attention and hospitalization.* The school shall be responsible for arranging that a medical officer shall be attached or on call to the school. During the cruise, a medical officer shall be assigned to the training ship.

(b) *Compensation claims of cadets or midshipmen.* Compensation claims for personal injuries or death sustained by a cadet or Midshipman in the performance of official duty shall be forwarded to the Supervisor for transmission to the Office of Workers' Compensation Programs. The Supervisor shall furnish necessary forms.

(c) *Medical care and compensation for Officers and other personnel.* Officers and other personnel of the school, and of the training ship may avail themselves of any medical facilities furnished by the State or Federal Government for which they qualify. See, for example, 42 CFR Part 32. Such persons who are not Federal employees shall look to the State alone for pay, allowances, compensation and other benefits during injury or illness.

§ 310.10 Discipline and dismissal.

(a) Each school shall establish and publish rules and regulations governing Cadet and Midshipman discipline and providing for a demerit system for infractions of these rules and regulations. Serious or excessive violations of the rules and regulations by a cadet or midshipman may be considered as evidence of inaptitude for the demanding career of a merchant marine officer and warrant dismissal by the school.

(b) Each cadet or midshipman shall, upon admission to the school, be furnished a copy of the school's rules and regulations.

(c) Any cadet or midshipman placed on probation for failure to meet the conduct requirements of the school may, at the discretion of the Superintendent, be listed as not in good standing for any period not to exceed six (6) months for the purpose of § 310.7(4).

§ 310.11 Cadet uniforms.

Cadet uniforms shall be supplied at the school in accordance with the uniform regulations of the school. Those regulations shall prescribe a distinctive insignia or device approved by the Assistant Secretary.

§ 310.12 Scope and effect.

(a) If any provisions of this subpart conflicts with laws and regulations of the State, the appropriate State authorities shall notify the Assistant Secretary in writing of such conflict and pertinent circumstances. The Assistant Secretary, as a matter of discretion, shall take, or not take, any action determined appropriate under the 1958 Act or the Act.

(b) The Assistant Secretary may, after consultation with the Superintendents of the schools issue binding executive instructions supplementing this subpart.

§ 310.13 Form of agreement.

(a) The form of agreement between the Assistant Secretary and a school for annual maintenance and support payments, Federal student subsistence and incentive payments and fuel assistance under the 1958 Act and the Act is set forth below. The form of agreement may be augmented by special, additional articles if requested by the State and if agreed to by the Assistant Secretary. Agreement by the Assistant Secretary will be rare and will occur only if (1) the State presents good cause (e.g. explicit requirement of State law) and (2) the requested addition is not inconsistent with the 1958 Act or the Act and this subpart.

United States of America, Department of Commerce, Maritime Administration

State Maritime Academy or College Agreement

This Agreement, entered into as of the 1st day of July 1981, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of _____ (hereinafter called the "State"), acting through the _____ Maritime Academy (hereinafter called the "School").

Witnesseth

Whereas:

1. The Agreement is effective July 1, 1981. A number of its provisions will become effective October 1, 1981, or later, and are so indicated;

2. "The Maritime Education and Training Act of 1980," Public Law 96-453 (hereinafter called the "Act"), effective October 1, 1981, and its predecessor statute "The Maritime Academy Act of 1958," Public Law 85-672 (hereinafter called the "1958 Act"), provide for payments to State, Regional, and Territory maritime academies and colleges (hereinafter

called "schools") for the maintenance and support of such schools;

3. The 1958 Act provides for payments to the schools for students in attendance at such schools commencing with the day such students begin their first term of work at such schools until the completion of the course of instruction, but in no event for more than four academic years;

4. The Act authorizes the Administration to make payments to students entering into a service obligation agreement with the Administration;

5. The Act authorizes the Administration to pay for the cost of all fuel consumed by a training ship furnished by the Administration while such vessel is being used for training purposes;

6. The Act and the 1958 Act provide for certain requirements regarding courses of instruction and educational standards which any such schools must meet in order to receive said payments referred to in paragraph 2 above; and,

7. The Administration has determined that the School has met or by virtue of this Agreement meets all the requirements referred to in paragraph 6 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

Article 1. Assistance Payments.

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make annual payments to the school for not in excess of four years if the school has a four-year course and not in excess of three years if the school has a three-year course under this Agreement to be used for the maintenance and support of the school. The amount of each such annual payment shall be not less than the amount furnished to the school for its maintenance and support by the State but shall not exceed \$25,000, or \$100,000 if the school meets the requirements of Article 5(b) of this Agreement.

Article 2. Subsistence Payments.

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make payments for each student enrolled in a subsidized status before April 1, 1982, at a rate not in excess of \$1,200 for each academic year. These payments shall be made to the school for the account of each such subsidized student who is attending the school. The school agrees that such payments shall be used by the student to assist in defraying the cost of his or her uniforms, textbooks, and subsistence. It is further agreed that the payments under this Article 2 shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid to the school in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 3. Student Incentive Payments.

The Administration, subject to the provisions of Article 5 of this Agreement,

agrees to provide the school with service obligation agreement forms for a specified number of students beginning the first term of work at the school on or after April 1, 1982. The service obligation agreement forms shall be signed by the designated students and returned by the school to the Administration which agrees to issue payments to these students in amounts equaling \$1,200 for each academic year to assist them in paying the cost of uniforms, books and subsistence. It is further agreed that under Article 3 payments shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid in such installments as the Administration shall prescribe while the student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 4. Fuel Payments.

If funds are appropriated in any given fiscal year and are made available for expenditure by the Administration for fuel consumed by Government-owned training ships furnished to the schools, the allocation of such funds may be as determined in the discretion of the Administration.

Article 5. Requirements.

(a) In consideration of the payments to be made to the school pursuant to Articles 1, 2 and 4 of this Agreement, and of the payments to designated students enrolled in the school pursuant to Article 3 of this Agreement, the school shall, and as a condition of this Agreement agrees to,

(1) Provide courses of instruction in navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of vessels and equipment, and innovations being introduced to the merchant marine of the United States; and,

(2) Conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with the Superintendents of schools.

(b) In addition to the condition provided in paragraph (a) of this Article 5 and as an express condition to receiving payments of any amount in excess of \$25,000 for any one year under Article 1 of this Agreement, the school hereby agrees to admit to its courses of instruction otherwise qualified students resident in any other State or Territory in such numbers as the Administration shall prescribe, except that the number so prescribed shall not, at any time, exceed one third of the total number of students attending the school.

(c)(1) The school agrees that, with respect to the training program for merchant marine officers under the Act and the 1958 Act, and this Agreement, it will, to the extent applicable, comply with the following provisions of law and implementing regulations duly promulgated thereunder (including, but not limited to 15 CFR Part 8; Title VI, Civil Rights Act, 1964 (42 USC 2000d); Age Discrimination Act of 1975 (42 USC 6101); and Vocational Rehabilitation Section 504 (29 USC 794). The school further agrees that it will immediately take any

measures necessary to effectuate this subparagraph (c)(1).

(2) It is agreed that these assurances are given in consideration of and for the purpose of obtaining and continuing in effect any financial assistance extended after the date hereof to the school by the Administration including any payments to be rendered pursuant to agreements extending financial assistance which were approved prior to such date, and any violation by the school of any of the provisions of this assurance of nondiscrimination shall constitute a breach of this Agreement and of each of such prior agreements.

(3) The school further recognizes and agrees that such financial assistance will be extended by the Administration in reliance upon the representations and agreements made in this assurance of nondiscrimination, and that the United States shall have the right (in addition to any of its other rights under its agreements with the school) to seek judicial enforcement of these assurances. These assurances are binding on the school, its principals, officers, employees, agents, successors, transferees, and assignees.

(d) The Administration is hereby authorized to examine and audit the books, records and accounts of the school whenever it is deemed necessary or desirable. Further, the school agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge, adequate office space and other facilities reasonably required by such auditors of the Administration or other persons designated by the Administration in the performance of their duties in administering the provisions of the payments provided under this Agreement. This provision complies with Federal Management Circular 73-6 providing for a single audit for educational institutions and assigning one Federal agency with the audit responsibility for schools receiving Federal aid.

Article 6. Methods of Payment.

(a) *Assistance Payments.* The school shall submit to the Administration annually, at the time and in the form approved by the Administration, a voucher for the assistance payment provided in Article 1 of this Agreement. Each voucher for an assistance payment whether under the Act or the 1958 Act, shall be supported by certified statements of operating expenses for the preceding year, of an estimate of operating expenses for the year with respect to which the voucher is submitted, of amounts furnished by the State to the school for maintenance and support, and of evidence of compliance with the requirements of paragraph (b) of Article 5 of this Agreement. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(b) *Subsistence Payments.* The school shall submit a monthly voucher, in form approved by the Administration, for the subsistence payments provided in Article 2 of this Agreement. Each voucher for subsistence payments shall be supported by a certified Daily Attendance Report listing the names of all subsidized students and the number of days each was in attendance at the school

and is entitled to payment as stated on such voucher. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(c) *Student Incentive Payments.* The school shall submit a monthly certified Daily Attendance Report listing the names of all designated students who are entitled to the student incentive payments provided in Article 3 of this Agreement and the number of days each was in attendance at the school and is entitled to payment. The Administration shall issue quarterly payments directly to such students.

(d) *Fuel Payments.* Upon notice from the Administration that appropriated funds are available for fuel payments provided in Article 4 of this Agreement, the school will submit a statement of the fuel consumed by the Government-owned training ship supported by copies of all billings representing fuel purchases, a statement of fuel consumed while such ship was being used for training purposes, copies of appropriate fuel consumption entries in the engineering log, and such other information as the Administration may require. The Administration will prepare the necessary voucher and make payment to the school.

Article 7. Public Information.

It is agreed that the school shall include in its curriculum catalogue, student information pamphlets, brochures, and other public information materials, a detail description of the assistance available to the school and its students under the Act, the 1958 Act and this Agreement, including the service obligations of student and graduates who first enter the school on or after April 1, 1982.

Article 8. Regulations.

This Agreement is subject to all the provisions of Part 310, Subpart A, Title 46, Code of Federal Regulations, and the school hereby agrees to conform to said provisions as they may be amended from time-to-time during the period this Agreement is in effect.

Article 9. Officials not to Benefit or be Employed.

No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

Article 10. Disputes.

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Director, Office of Maritime Labor and Training who shall reduce his or her decision to writing and mail or otherwise furnish a copy thereof to the school, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the school appeals by mailing or otherwise furnishing said Director, Office of Maritime Labor and Training, a written appeal addressed to the Assistant Secretary for Maritime Affairs. The decision of the Assistant Secretary for Maritime Affairs, or his or her duly authorized representative, shall be final and conclusive. In connection with any appeal,

the school shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the school shall proceed diligently with performance of the Agreement in accordance with the decision of the Director, Office of Maritime Labor and Training.

Article 11. Duration of Agreement.

This Agreement is effective as of the day and year first set forth hereinabove and shall remain in full force and effect for a period of _____ years after said date, unless sooner terminated by either party as herein provided.

Article 12. Termination of Agreement.

This Agreement may be terminated by either party upon sixty (60) days written notice to the other party, provided, however, that notwithstanding any such termination the parties hereto shall continue to be responsible for the faithful performance of all of the terms and provisions of this Agreement through the effective date of such termination. Termination or expiration of this Agreement shall neither affect nor relieve either party of any liability or obligation that may have arisen or accrued prior thereto.

Article 13. Renewal of Agreement.

Unless terminated by notice, as provided for herein under Article 12 of this Agreement, the rights and privileges granted to, and the obligations assumed by, the parties together with all other provisions of this Agreement shall continue in full force and effect and shall be renewed from year-to-year for an additional period of one (1) year from the expiration date herein, unless either party shall at least three (3) months prior to the date of expiration of any additional one (1) year period notify the other party in writing that it does not desire the Agreement to be extended for such additional one (1) year period. This Agreement, as extended year-to-year as aforesaid, may be amended, modified or supplemented in writing at any time by the mutual consent of the parties hereto.

Article 14. Assignment Prohibited.

It is hereby agreed by the school that the Agreement, or any interest herein, shall not be assigned to any other person without the prior written consent of the Administration, which consent may be subject to such terms and conditions as the Administration deems appropriate.

Article 15. Availability of Funds.

It is understood and agreed by and between the parties hereto that the obligations under this Agreement shall be deemed executory to the extent of the monies available to said parties for the purpose thereof and no liability on account thereof shall be incurred beyond such available monies by either of said parties.

Article 16. Prior Agreement.

It is hereby understood and agreed by and between the parties hereto that the agreement in effect between the parties on the date prior to the effective date of this Agreement is superseded by this Agreement but only as to obligations not incurred prior to the expiration date of said prior agreement under the provisions of said prior agreement.

In witness whereof, the UNITED STATES OF AMERICA, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts as of the day and

year first written hereinabove and actually on the _____ day of _____ 19____.

Attest:
United States of America, Department of
Commerce, Maritime Administration.
Secretary, _____
By: _____

Assistant Secretary of Maritime Affairs.
[Seal]
Attest:
State of _____
_____ Maritime Academy

By: _____
[Seal]
Approved as to form:

General Counsel, Maritime Administration,
(Public Law 85-672, 72 Stat. 622 [46 U.S.C.
1381-1388] and Public Law 96-453, 94 Stat.
1997; Reorganization Plans No. 21 of 1950 (64
Stat. 1273) and No. 7 of 1961 (75 Stat. 640) as
amended by Public Law 91-469 (84 Stat.
1036); Department of Commerce Organization
Order 10-8 (38 FR 19707, July 23, 1973))
(Catalog of Federal Domestic Assistance
Program No. 11-506 State marine schools)
Dated: June 2, 1981.

By Order of the Assistant Secretary of
Commerce for Maritime Affairs.
Robert J. Patton, Jr.,
Secretary.
[FR Doc. 81-6029 Filed 6-9-81; 8:45 am]
BILLING CODE 3510-15-M

**FEDERAL COMMUNICATION
COMMISSION**

47 CFR Ch. I

[CC Docket No. 80-632]

**Overseas Communications Services;
Order Extending Time for Filing
Comments and Reply Comments**

AGENCY: Federal Communications
Commission.

ACTION: Notice of Proposed Rulemaking;
Extension of Filing Periods.

SUMMARY: This Document grants request of National Telecommunications and Information Administration (NTIA) for extension of comments and reply dates in C.C. Docket No. 80-632 on overseas communications services. Extension granted to permit NTIA to complete and submit detailed study regarding proposed rulemaking. Intended effect of action is to provide Commission with most complete and meaningful record possible.

DATES: Comments now due on July 10, 1981. Replies due on August 21, 1981.

FOR FURTHER INFORMATION CONTACT:
Stuart Chiron, Common Carrier Bureau,
(202)632-7265.

In the matter of overseas
Communications Services; (45 FR 76498;
11-19-80).

Adopted: May 29, 1981.

Released: June 1, 1981.

By the Common Carrier Bureau.

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT-4 policy decision, 37 F.C.C. 1151, which created an overseas voice-record dichotomy. As a result of TAT-4, AT&T has not been able to offer overseas record services (other than Dataphone), and the IRCs have not been able to provide overseas voice services (other than Datel). The instituting order, FCC 80-585 (released October 28, 1980), established December 12, 1980, as the date for filing comments and January 16, 1981, as the date for replies. These dates have been subsequently extended. Comments are presently due on June 5 and replies on July 6, 1981.

2. On May 22, 1981, the National Telecommunications and Information Administration (NTIA) filed a motion to extend the time for comments and replies. In support of its request NTIA states that a thorough study of the international telecommunications industry being performed by a consultant, which will be submitted to the Commission, will not be completed until early July.

3. We believe that the record will be more complete and meaningful with the inclusion of the NTIA study. Since a delay will not harm any cognizable public interest we will grant NTIA's request. Accordingly, it is ordered that the date for all interested persons to file comments in CC Docket No. 80-632 is extended from June 5 to July 10, 1981, and that the date for filing replies is extended from July 6 to August 21, 1981.

4. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules on Practice and Procedure.

Federal Communications Commission.
Joseph A. Marino,
Acting Chief, Common Carrier Bureau.

[FR Doc. 81-19959 Filed 6-9-81; 8:45 a.m.]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-316; RM-3564]

**Radio Broadcast Services; FM
Broadcast Station in Fountain, Colo.;
Changes Made in Table of
Assignments**

AGENCY: Federal Communications
Commission.

ACTION: Withdrawal of proposed rulemaking. (Report and Order.)

SUMMARY: Action taken herein dismisses a petition filed by Kurt M. Grow which requested the assignment of a Class A FM channel to Fountain, Colorado. The proceeding was terminated for failure of petitioner to make the requisite showing of initial and continuing interest in the proposed channel allocation.

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 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 F.R. 43813, published June 30, 1980, proposing the assignment of FM Channel 292A to Fountain, Colorado, as that community's first local aural broadcast service, in response to a petition filed by Kurt M. Grow ("petitioner"). In the *Notice* we indicated that petitioner failed to state that he would apply for the channel, if assigned, and requested that he make a commitment to that effect.

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein, Kurt M. Grow, failed to file comments in response to the *Notice*. The period for filing comments in this proceeding has expired and no other party has expressed an interest in the proposed Class A assignment to Fountain.

3. In view of the foregoing, it is ordered, that the petition of Kurt M. Grow, proposing the assignment of FM Channel 292A to Fountain, Colorado, is hereby dismissed.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16960 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-318; RM-3549]

Radio Broadcast Services; FM Broadcast Station Greenville, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action dismisses a request by Charles N. Cutler to assign FM Channel 269A to Greenville, Illinois. Cutler indicates he is no longer interested in operating a station to serve Greenville.

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 19, 1981.

Released: May 27, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 43810, published June 30, 1980, in response to a petition filed by Charles N. Cutler ("petitioner"), proposing the assignment of FM Channel 269A to Greenville, Illinois, as that community's first FM assignment.

2. In supplementary comments filed August 18, 1980, petitioner requests that its petition be dismissed since it has determined through an engineering survey that the channel could be put to better use at either of two other communities in conformity with the minimum distance separation requirements. Since no site restriction would be required at the other communities (a 12 kilometer (7.8 mile) site restriction is necessary for Greenville), a more efficient use of the allocation could be made. Cutler states that he may file for an assignment to either of the communities at some future date.

3. After careful consideration, we have concluded that it would be in the public interest to grant the requested dismissal. No party has indicated an interest in the proposed Greenville assignment.

4. Accordingly, it is ordered, pursuant to 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, that the

request filed by Charles N. Cutler for dismissal of its petition proposing the assignment of Channel 269A to Greenville, Illinois, is granted.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16963 Filed 6-8-81; 8:45 am]

Billing Code 6712-01-M

47 CFR Part 73

[BC Docket No. 80-570; RM-3555]

Radio Broadcast Services; FM Broadcast Station, Fort Pierce, Fla.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: Action taken herein dismisses a petition filed by Hubbard Broadcasting, Inc., which initially requested the assignment of a commercial television channel to Fort Pierce, Florida. The proceeding was terminated for failure of petitioner to state an interest in filing for the proposed assignment to Fort Pierce.

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 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 64983, published October 1, 1980, proposing the assignment of UHF-TV Channel 59 to Fort Pierce, Florida, as that community's second commercial television allocation, in response to a petition filed by Hubbard Broadcasting, Inc. ("petitioner").¹ No comments were filed in response to the *Notice*.

¹Hubbard had proposed that the reservation on Channel 21 be deleted at Fort Pierce, and Channel 59 be substituted therefor and reserved. Petitioner's interest in that proposal apparently stemmed from

Continued

2. According to Commission policy, a showing of continuing interest is required before a channel will be assigned. The petitioner herein, Hubbard Broadcasting, Inc., failed to file any comments and the period for doing so has expired. No other party has expressed an interest in the proposed assignment of Channel 59 to Fort Pierce.

3. In view of the foregoing, it is ordered, That the petition of Hubbard Broadcasting, Inc., proposing the assignment of Channel 59 to Fort Pierce, Florida, is hereby dismissed.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16962 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

the fact that it had applied for a construction permit for a 1,000 watt commercial translator station to operate on Channel 21 at Fort Pierce. However, even if Channel 21 were not reserved for noncommercial educational usage and Channel 59 substituted instead, an educational applicant would be able to apply for Channel 21, and a grant thereof would displace petitioner's proposed translator operation. For this, and other reasons set out in the *Notice*, it did not appear appropriate to change the Channel 21 reservation.

47 CFR Part 73

[BC Docket No. 80-518; RM-3545]

Radio Broadcast Services; FM Broadcast Station in Smith Center, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: This action dismisses a request from Ernest McRae and Jerry T. Venable ("petitioners") to assign FM Channel 231 to Smith Center, Kansas. Petitioners indicate they are no longer interested in operating a station to serve Smith Center.

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 19, 1981.

Released: May 26, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 45 FR 58616, published September 4, 1980, in response to a

petition filed by Ernest McRae and Jerry T. Venable ("petitioners"), proposing the assignment of FM Channel 231 to Smith Center, Kansas, as that community's first FM assignment.

2. On May 5, 1981, petitioners filed a letter requesting dismissal of its petition. They state that from an assignment and channel usage standpoint, it would be preferable to assign Channel 231 to Downs, Kansas, instead, as that community's first FM assignment, and that it has concurrently filed a rule making petition seeking such assignment.

3. Since no other party has indicated an interest in the proposal, we shall dismiss the proposal so that the channel can be considered for assignment to Downs, Kansas.

4. In view of the foregoing, it is ordered, That the petition of Ernest McRae and Jerry T. Venable, proposing the assignment of Channel 231 to Smith Center, Kansas, is hereby dismissed.

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

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-16961 Filed 6-8-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 110

Tuesday, June 9, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Ariton Livestock Auction, Ariton, Alabama, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
AL-104 Ariton Livestock Auction, Ariton, Alabama.	May 26, 1959.
AL-117 Demopolis Cattleman's Stockyard, Inc., Demopolis, Alabama.	May 18, 1959.
AL-126 Gadsden Livestock Market, Gadsden, Alabama.	Oct. 1, 1965.
AL-128 Georgiana Stockyards, Inc., Georgiana, Alabama.	Jan. 15, 1969.
AL-129 Clarke County Livestock Corp., Grove Hill, Alabama.	May 20, 1959.
AL-134 Tri-County Stockyards, Inc., Hartsboro, Alabama.	Oct. 1, 1958.
AL-150 Westbrook Livestock Auction Sales, Troy, Alabama.	May 15, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective July 9, 1981. This notice shall become effective June 9, 1981.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 *et seq.*)

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

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch,
Livestock Marketing Division.

[FR Doc. 81-16907 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

Food Distribution Program: Alternatives to Donation of Commodities for the National School Lunch Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of demonstration project.

SUMMARY: This Notice announces the Department of Agriculture's intent to conduct a demonstration project involving alternatives to the donation of USDA commodities to the National School Lunch Program. This demonstration project is mandated by the Agriculture Appropriations Act for Fiscal Year 1981 (P.L. 96-528). The project will test two alternatives to the current commodities donation program for school lunches to determine the costs and effectiveness of each alternative, their effects on food usage in the National School Lunch Program, their impact on the farm sector and government price support and surplus removal programs, and the administrative feasibility of their implementation nationally.

The Notice of intent also sets forth the procedures by which the demonstration project will be conducted and solicits applications from school food authorities wishing to participate in the project.

EFFECTIVE DATE: This Notice shall be effective June 9, 1981.

APPLICATION: School food authorities desiring to participate in the project shall apply as detailed in the Notice of Intent no later than July 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Vogel, (202) 426-9322, Program Evaluation Staff, Room 622 GHI, Office of Policy, Planning, and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Title III of the Agriculture, Rural Development and Related Agencies Appropriations Act for Fiscal Year 1981 mandates that

the Department of Agriculture conduct a demonstration project to examine two alternatives to the donation of agricultural commodities for the National School Lunch Program. One alternative (cash-in-lieu) will provide participating school food authorities (SFAs) with cash equal to the value of commodities to which they would have been entitled under the current commodity donation program. The other alternative will give participating SFAs commodity vouchers (hereafter referred to as commodity letters of credit) allowing the purchase of specific food items. In each case, the cash-in-lieu or commodity letters of credit will be given in place of donated commodities.

Approximately 30 SFAs will be selected for each alternative. Thirty additional SFAs will be chosen to act as control sites and will continue to operate under current regulations of the commodity donation program. SFAs chosen as demonstration projects will participate for four school years beginning in 1981-82, although actual implementation of alternatives to commodity distribution will occur in no more than 9 SFAs in the 1981-82 school year. The balance of the chosen SFAs will assume full demonstration implementation beginning with the 1982-83 school year. The fourth year (school year 1984-85) of participation will be optional to participating SFAs regardless of when full demonstration status begins. Evaluation of the demonstration projects will take place during the first three years. The evaluation will culminate with a report to Congress by December 15, 1984.

The eight SFAs that participated in the Department's 1978-79 cash-in-lieu study will be permitted, at their option to participate as adjunct cash-in-lieu project sites for all four years of the demonstration effort.

All current Food Distribution Program Regulations (7 CFR Par 250), except as specifically indicated in this Notice, shall govern the operation of this project.

Notice of Intent

In accordance with the Agriculture Appropriations Act for Fiscal Year 1981 (P.L. 96-528), the Secretary of Agriculture announces his intention to conduct two sets of pilot projects to test alternative methods of operating the commodity distribution program under

Section 14 of the National School Lunch Act. Under one set of projects (cash-in-lieu of commodities, hereafter called the cash-in-lieu projects) participating school food authorities (SFAs) will be given cash equal to the value of commodities to which they would have been entitled under the current commodity distribution program and will not be eligible to receive donated commodities. The other set of projects (hereafter called the commodity letter of credit projects) will provide participating SFAs with commodity letters of credit allowing the purchase of specific food items and will also preclude their receiving donated commodities. Thirty school districts will be selected for each set of pilot projects by June 30, 1981 and will be allowed to participate for four school years: 1981-82, 1982-83, 1983-84, and 1984-85. Other than the eight SFAs that participated in the 1978-79 cash-in-lieu study, no more than nine of the newly selected SFAs will actually receive cash or commodity letters of credit during the 1981-82 school year. All selected SFAs, however, will be involved in demonstration development and training activities during the 1981-82 school year. Full demonstration implementation for the balance of the selected SFAs will begin with the 1982-83 school year. The eight SFAs that participated in the 1978-79 cash-in-lieu study will be allowed once again to receive cash instead of commodities beginning with the 1981-82 school year.

Staggered implementation of demonstration projects is necessary because of possible legislative changes that may affect the existing commodity distribution program. Staggered implementation is also desirable to ensure overall efficiency of the demonstration effort.

Evaluation of the projects will take place during the first three years and will involve analysis of the food service operations of participating SFAs as well as comparisons across projects and with at least 30 control sites operating under the present commodity distribution program.

The study has four primary objectives:

1. To estimate and compare the costs (food, non-food, and administrative) and effectiveness associated with the commodity letter of credit, cash-in-lieu, and existing commodity donation programs;

2. To assess changes in food usage associated with the two alternatives relative to the existing commodity donation programs;

3. To estimate the impact which the two alternatives would have on agricultural commodity markets, farm

incomes, the existing food distribution system, and government price support and surplus removal programs; and

4. To assess the administrative feasibility of implementing the commodity letter of credit and cash-in-lieu alternatives nationally and to compare systematically the cost/effectiveness of the three alternatives focusing on the distribution of costs and benefits to various constituents under each alternative.

In addition, the study will address other issues including the impact of the options on SFA operations, changes in the nutritional content of school lunches, changes in the quality of foods utilized by SFAs, the effect on student costs and participation in the school lunch program, changes in school lunch plate waste, and the impact on other USDA programs. The evaluation will culminate with a report to Congress by December 15, 1984.

For SFAs chosen to participate in the cash-in-lieu and commodity letter of credit projects, certain regulations described in CFR Part 250 relating to donated commodities will not be in force. The regulations include: S 250.4(h); S 250.6(e); S 250.6(h); S 250.8(a); and S 250.13(h). These changes will be in effect only during the time school districts participating in the project actually receive cash or commodity letters of credit.

This Notice invites SFAs to submit applications to participate in this study as pilot project sites. Approximately 90 SFAs will be chosen as participants. Selected SFAs will be assigned to the cash-in-lieu or the commodity letter of credit projects or will be control sites operating under the current commodity donation program. None of the SFAs participating in the cash-in-lieu or commodity letter of credit projects will be allowed to receive donated commodity foods while operating under either option. Selected SFAs shall sign agreements with the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA) detailing their rights, responsibilities, and limitations while participating in this study.

Approximately 30 school districts will be selected to participate in the cash-in-lieu pilot projects and will be given cash equal to the value of commodities they would have received under the current commodity distribution program. These funds may be used to purchase domestically produced food items for school lunch program use under the same conditions as funds provided under Section 4 of the National School Lunch Act. SFAs will be required to keep records on their school food service operations including food costs.

These records will be made available to FNS or its designated representatives as needed.

Approximately 30 school districts will be selected to take part in the commodity letter of credit pilot projects and will be given commodity letters of credit authorizing the purchase of particular commodities. Each commodity letter of credit will specify the precise food item to be purchased, its minimum quality, the maximum amount which may be purchased (in terms of food quantity and/or dollar cost), and the time period during which the commodity letter of credit may be used. SFAs will be allowed to refuse up to 20 percent of the value of commodity letters of credit issued to them. To the extent possible, other commodity letters of credit will be issued to SFAs to replace those which are refused. As in the current program, however, there can be no guarantee of complete replacement. Participating SFAs will be required to purchase all food items from private suppliers and will be free to choose the form in which commodities are received. The commodity letters of credit can be used to pay for any items containing the relevant commodities, but only to the extent that those commodities are used as ingredients. Thus, a commodity letter of credit for cheese could be used to pay for the cheese part of pizzas, but not for entire pizzas. Again, SFAs will be required to keep detailed records on their school food service operations including food costs. These records will be made available to FNS personnel or their representatives.

Participating school districts can expect only minor changes in their operations beyond the switch from donated commodities to either cash-in-lieu or commodity letter of credit. SFAs operating under each alternative will receive no donated foods during the course of the study, but will receive their equivalent value in cash or commodity letters of credit. The total value of cash-in-lieu subsidies or commodity letters of credit received by project sites will be based upon the number of reimbursable meals served in the course of a school year. Whether cash-in-lieu or commodity letter of credit projects will also receive credit for "bonus" commodities provided under Section 416 and Section 32 has yet to be determined. The House Appropriations Committee Report on H.R. 3400, a bill making supplemental appropriations for fiscal year 1982 gives the Secretary several options with respect to bonus commodities that may be received by school districts

participating in the study. Specifically, the secretary is expected ". . . to either withhold, charge for, or earmark in some fashion . . ." bonus commodities for all study projects except those participating as comparison sites (House Report 97-29, p. 23). The Secretary's decision in this matter will be forthcoming.

Applications to participate in the study can be withdrawn, if school districts so chose, after this decision is announced.

All participating SFAs, including control sites, may experience slight increases in required recordkeeping. In addition, FNS personnel or their representatives will visit each participating SFA approximately every six months for on-site data collection. During these visits, SFAs will be expected to provide limited assistance in identification and interpretation of SFA records.

Sites will be selected with the primary objective of obtaining a representative and unbiased sample of all school districts. Applicants will therefore be chosen randomly based on SFA characteristics. In addition, an effort will be made to ensure that the chosen sample is balanced in terms of attitudes toward and experience with the school lunch program. To this end, all school districts, regardless of their attitudes concerning the present commodity distribution program or the project options, are encouraged to apply. If a balanced and representative sample of school districts cannot be obtained from among applicants, some school districts which did not apply to participate may be invited to become pilot project sites. FNS will consult with relevant State Agencies prior to final site selection. It is anticipated that site selection will be completed by July 31, 1981 so that the nine school districts chosen for advanced implementation during the 1981-82 school year will have time to incorporate new procedures.

School food authorities that desire to apply to participate in the pilot project shall respond by letter with a brief description of their food service operations. This letter should include as an attachment the applicant's monthly report for October 1980 (Form FNS-10).

In addition, applicants may wish to provide a brief discussion of the advantages and disadvantages for their own districts of each of the pilot project options and the current commodity distribution program. Applicants may also express a preference to participate in a particular option, but there is no assurance that such preference can be honored. Application letters should be sent to: Ronald Vogel, Program Evaluation Staff, Room 622 GHI, Office of Policy, Planning and Evaluation, Food

and Nutrition Service, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250.

Such letters shall be postmarked no later than July 24, 1981.

Dated: June 13, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81-17021 Filed 6-8-81; 8:45 am]
BILLING CODE 3410-30-M

Forest Service

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 8:00 a.m., June 30, 1981, at the U.S. Forest Service Office, 2517 S.W. Hailey Avenue in Pendleton, Oregon. The purpose of the meeting will be a field review of allotment planning on selected allotments of the Umatilla National Forest. This field review will be for two days, June 30 and July 1, 1981. The tour is in conjunction with the Society of Range Management Tour. The Board will be expected to make recommendations on the range allotment planning procedures and goals at the next regular scheduled meeting, as presented by the Forest Service during the tour.

Dennis E. Jones,
Acting Forest Supervisor.

June 1, 1981.
[FR Doc. 81-16972 Filed 6-8-81; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Wabash Valley Power Association, Inc.;

Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Wabash Valley Power Association, Inc., (WVPA) of Indianapolis, Indiana, to purchase selected high voltage substations and transmission lines which will be constructed by the Public Service Company of Indiana (PSI) as part of a Transmission Participation Agreement. These new transmission facilities include a 1.5 acre, 230/69 kV substation to be constructed near the town of Carmel in Hamilton County; a 3 acre, 345/138 kV substation near the town of Greensboro in Henry County; 7.3 miles of 230 kV transmission line and 2.5 miles of 69 kV transmission line in Hamilton County; 13.5 miles of 230 kV transmission line in Howard County;

and 3.0 miles of 345 kV transmission line in Pike County.

WVPA prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands, floodplains, and all other potential impacts of the proposed project have been adequately investigated.

Based on REA's independent evaluation, the REA Environmental Assessment, and WVPA's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, and WVPA's Borrower's Environmental Report may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Washington, D.C. 20250, and at the office of Wabash Valley Power Association, Inc., 700 North High School Road, P.O. Box 24700, Indianapolis, Indiana 46224.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

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

Joe S. Zoller,
Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-16907 Filed 6-8-81; 8:45 am]
BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Evanston Aviation, Inc., d.b.a. Bridger Air

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-23, Order To Show Cause.

SUMMARY: The Board is proposing to find that Evanston Aviation, Inc., d.b.a. Bridger Air is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons

listed below no later than June 23, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-23.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-23 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-23 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 4, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16993 Filed 6-8-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of AAA Air Enterprises, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-6-24, Order to Show Cause.

SUMMARY: The Board is proposing to find that AAA Air Enterprises, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 23, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-6-24.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-6-24 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-6-24 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 4, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-16993 Filed 6-8-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

Reconstruction of Two Constellation Class Vessels, the SS Mormacaltair and the SS Mormacdrago, in Order To Increase Container Carrying Capacity; Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of two Constellation class vessels, MA Design C6-S-60b, in order to increase their container carrying capacity by 31, 40-foot containers in Hold No. 3 and 48, 20-foot containers on deck.

Any person, firm or corporation having an interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 23, 1981 with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3009B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: June 2, 1981.

By Order of the Maritime Subsidy Board,
Maritime Administration.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 81-16927 Filed 6-8-81; 8:45 am]

BILLING CODE 3510-15-M

National Technical Information Service Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are

available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to:

Office of Government Inventions and Patents,
U.S. Department of Commerce,
P.O. Box 1423,
Springfield, Virginia 22151

Douglas J. Campion,

Program Coordinator, Office of Government
Inventions and Patents, National Technical
Information Service, Department of
Commerce.

U.S. Department of Agriculture, Program
Agreements and Pat. Branch, Admin. Ser.
Div., Federal Building, Science and Education
Admin., Hyattsville, MD 20782

Patent application 6-212,655: Controlled
Release of Bioactive Materials Using
Alginate Gel Beads, filed Dec. 3, 1980.
Patent application 6-223,509: Method of
Purifying Fatty Acid Ester Products; filed
Jan. 8, 1981.

U.S. Dept. of Health and Human Services,
National Institutes of Health, Chief, Patent
Branch, Westwood Building, Bethesda, MD
20205

Patent application 6-181,954: Monoclonal
Antibodies Against Herpes Simplex Virus
Types 1 and 2 Nucleocapsids and kit; filed
Aug. 27, 1980.

U.S. Dept. of the Interior, Branch of Patents,
18th and C Streets, N.W., Washington, D.C.
20240

Patent application 6-211,556:
Chromatography Developing Chamber;
filed Dec. 1, 1980.

U.S. Department of the Navy, Director, Navy
Patent Program/Patent Counsel for the Navy;
Office of Naval Research, Code 302,
Arlington, VA 22217

Patent application 6-089,659: Automatic
Elevator Control System; filed Oct. 30, 1980.
Patent application 6-153,474: Precision Laser
Pulse Radiometer; filed May 27, 1980.
Patent application 6-187,888: Replaceable
Fuel Nozzle Nut Lockwasher; filed Sept. 17,
1980.

Patent application 6-211,600: A Subseafloor Environmental Simulator; filed Dec. 1, 1980.

Patent application 6-219,291: A System for Remotely Determining Velocity of Sound in Water; filed Dec. 22, 1980.

Patent application 721,630: Laser Contour Mapping System; filed Aug. 25, 1976.

Patent 4,208,979: Pontoon Spudwell System; filed Jun 16, 1978; patented Jun 24, 1980. Not available NTIS.

Patent 4,229,402: Fiber Optic Connection Method; filed Jul 18, 1978; patented Oct 21, 1980. Not available NTIS.

Patent 4,231,107: Serriform Strip Crosstie Memory; filed Feb 14, 1978; patented Oct. 28, 1980. Not available NTIS.

Patent 4,231,311: Towable Pod Assembly for Protectively Disabling Incoming Torpedoes; filed Sep 1, 1978, patented Nov. 4, 1980. Not available NTIS.

Patent 4,232,417: Marine Mammal Retrieval Apparatus; filed Jan. 24, 1979; patented Nov. 11, 1980. Not available NTIS.

Patent 4,233,477: Flexible, Shapeable, Composite Accoustic Transducer; filed Jan. 31, 1979; patented Nov. 11, 1980. Not available NTIS.

Patent 4,235,693: Submersible Energy Storage Apparatus; filed Nov. 9, 1979; patented Nov. 25, 1980. Not available NTIS.

Patent 4,236,043: Frequency Compression and Expansion Using an Electrooptical Processor; filed Apr. 13, 1979; patented Nov. 25, 1980. Not available NTIS.

Patent 4,240,272: Arctic Canteen; filed Jun 18, 1979; patented Dec. 23, 1980. Not available NTIS.

[FR Doc. 81-16934 Filed 6-9-81; 6:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$5.00 each.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to:

Office of Government Inventions and Patents,
U.S. Department of Commerce, P.O. Box
1423, Springfield, Virginia 22151

Douglas J. Campion,

Program Coordinator, Office of Government
Inventions and Patents, National Technical
Information Service, Department of
Commerce.

U.S. Department of the Air Force, AF/JACP,
1900 Half Street SW., Washington, D.C. 20324

Patent application 6-206,412: Argon Purity
Tester; filed Nov. 13, 1980.

Patent application 6-212,955: Load Balancer
for Multiple Loads; filed Dec. 4, 1980.

Patent 4,244,212: Fluidic Pressure Ratio
Sensor; filed May 25, 1979; patented Jan. 13,
1981. Not available NTIS.

Patent 4,244,271: Ammunition Feed Timing
Mechanism; filed Jan. 10, 1979; patented
Jan. 13, 1981. Not available NTIS.

U.S. Department of Agriculture, Program
Agreements and Patent Branch, Admin. Ser.
Div., Federal Building, Science and Education
Administration, Hyattsville, MD 20782

Patent 4,249,655: Cyclone Dust Analyzer for
Determining Microdust Content in Fibers;
filed June 29, 1979; patented Feb. 10, 1981.
Not available NTIS.

Patent 4,253,215: Lint Cleaning Apparatus for
Automatic Control of Cotton Quality; filed
Feb. 23, 1979; patented Mar. 3, 1981. Not
available NTIS.

Patent 4,253,841: Process for Photoinitiated,
Polymeric Encapsulation of Cotton Fibers
in Durable-Press Textiles; filed Feb. 23,
1979; patented Mar. 3, 1981. Not available
NTIS.

Patent 4,254,005: Abrasion Resistance and
Strength of Cotton-Containing Fabric Made
Resilient with N-Methylolacrylamide-Type
Reagent; filed Feb. 6, 1980; patented Mar. 3,
1981. Not available NTIS.

Patent 4,254,022: Protein Concentrate from
High-Protein Pearl Millet; filed Mar. 21,
1980; patented Mar. 3, 1981. Not available
NTIS.

U.S. Dept. of Health and Human Services,
National Institutes of Health, Chief, Patent
Branch, Westwood Building, Bethesda, MD
20205

Patent application 6-163,521: Bisulfite
Stabilization of 5-Azacytidine; filed June
27, 1980.

Patent 4,252,800: 7(alpha)-
Methylnorethindrone Enanthate and Its
Use in Long Term Suppression of Fertility
in Female Mammals; filed October 5, 1979;
patented February 24, 1981. Not available
NTIS.

U.S. Department of the Interior, Branch of
Patents, 18th and C Streets, NW.,
Washington, D.C. 20240

Patent Application: 6-168,815: Machine for
Mixing and Injecting Water and Grout Into
a Roof Bolt Hole; filed July 10, 1980.

Patent Application: 6-168,816: Preflush-
Lixiviant Process for Solution Mining of
Uranium Ore Beds; filed July 10, 1980.

Patent Application: 6-168,822: A Process of
Electroplating a Platinum-Rhodium Alloy
Coating; filed July 10, 1980.

Patent Application: 6-168,823: Readout
Circuit for Linear Displacement
Transducer; filed July 10, 1980.

Patent Application: 6-184,852: Sputtering
Apparatus for Coating Elongated Tubes
and Strips; filed September 8, 1980.

Patent Application: 6-195,539:
Instrumentation for Surveying
Underground Cavities; filed October 9,
1980.

Patent Application: 6-197,884: Production of
Ferrochromium Alloys; filed October 17,
1980.

Patent Application: 6-200,109: Production of
Metal Powder; filed October 24, 1980.

Patent Application: 6-200,111: Regeneration
of Waste Metallurgical Process Liquor;
filed October 24, 1980.

Patent Application: 6-206,246: Amine
Flotation of Chromite from Acidic Pulp;
filed December 12, 1980.

Patent Application: 6-206,247: Continuous
Transducer Drift Compensator; filed
November 12, 1980.

Patent 4,221,827: Method of Manufacturing a
Gas Sensor; filed December 19, 1978;
patented September 9, 1980. Not available
NTIS.

Patent 4,222,611: In-situ Leach Mining Method
Using Branched Single Well for Input and
Output; filed August 16, 1979; patented
September 16, 1980. Not available NTIS.

Patent 4,231,859: Molybdenite Flotation; filed
November 27, 1979; patented November 4,
1980. Not available NTIS.

Patent 4,231,993: Recovery of Metal Values
from Lead Smelter Matte; filed June 11,
1979; patented November 4, 1980. Not
available NTIS.

Patent 4,235,163: Mine Face Ventilation
system; filed July 6, 1979; patented
November 25, 1980. Not available NTIS.

Patent 4,239,735: Removal of Impurities from
Clay; filed September 6, 1979; patented
December 16, 1980. Not available NTIS.

U.S. Department of the Navy, Director, Navy
Patent Program/Patent Counsel for the Navy,
Office of Naval Research, Code 302,
Arlington, VA 22217

Patent Application: 6-176,151: Improved
Droop Stop for Fully Articulated Rotor;
filed August 7, 1980.

Patent Application: 6-188,654: Safety Selector
Switch; filed September 19, 1980.

Patent Application: 6-191,599: Phase
Controlled Shuttering System with
Selectable Shuttered and Unshuttered
Modes; filed September 29, 1980.

Patent Application: 6-216,400: Safing and
Arming Mechanism; filed December 15,
1980.

Patent Application: 6-219,463: Low Drag
Underwater Vehicle Utilizing Boundary
Layer Suction; filed December 23, 1980.

Patent Application: 6-222,113: Simple Method
for Fabricating Multimode Fiber Optic
Access Couplers; filed January 2, 1981.

Patent Application: 6-227,568: Wide Band
Data Processing Technique; filed January
22, 1980.

Patent 4,234,044: Chemical Agent Injection
System for Fire Fighting Equipment; filed
September 27, 1978; patented November 18,
1980. Not available NTIS.

- Patent 4,234,046: Pressure Differential Seafloor Coror-Carrier; filed April 30, 1979; patented November 18, 1980. Not available NTIS.
- Patent 4,234,712: Polyphthalocyanine Resins; filed September 14, 1979; patented November 18, 1980. Not available NTIS.
- Patent 4,236,401: Frequency Response Tester; filed May 24, 1979; patented December 2, 1980. Not available NTIS.
- Patent 4,237,461: High-Speed Digital Pulse Compressor; filed February 15, 1979; patented December 2, 1980. Not available NTIS.
- Patent 4,238,856: Fiber-Optic Acoustic Sensor; filed January 24, 1979; patented December 9, 1980. Not available NTIS.
- Patent 4,244,388: Valve Having Pyrotechnic Separation Device; filed January 30, 1979; patented January 13, 1981. Not available NTIS.

[FR Doc. 81-16935 Filed 6-8-81; 8:45 am]

BILLING CODE 3510-04-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Programs; Availability of Evaluation Findings

AGENCY: Office of Coastal Zone Management, NOAA, Commerce.

ACTION: Notice of Availability of Evaluation Findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Maryland, North Carolina, Oregon, and Rhode Island Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.) requires the conduct of a continuing review of the performance of each coastal state under its federally approved coastal zone management program. All 4 states evaluated were found to be adhering to their management programs as a result of which accomplishments are occurring with respect to resource protection, management of coastal development, increased recreational access, and improved government decisionmaking.

A copy of the findings made by the Acting Assistant Administrator for Coastal Zone Management for each of these states may be obtained on request from: Rosella Sussman, Evaluation Officer, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4245).

Dated: June 2, 1981.

Robert W. Knecht,
Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-16970 Filed 6-8-81; 8:45 am]

BILLING CODE 3510-06-M

DEPARTMENT OF ENERGY Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangement to be carried out under the above authority involves supply of the following material to the Institute for Nuclear Energy Research, Taiwan:

Contract Number WC-CI-7, 105.6 grams of uranium enriched to 4.30% in U-235, and 23.6 grams of uranium enriched to 2.84% in U-235.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than June 24, 1981.

For the Department of Energy.

Dated: June 3, 1981.

Harold D. Bengelsdorf,
Director for Nuclear Affairs International
Nuclear and Technical Programs.

[FR Doc. 81-16945 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-008; OFC Case No. 65029-9202-01-11]

MacMillan Bloedel; Petition for Order Exempting Major Fuel Burning Installations

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On April 27, 1981, MacMillan Bloedel, Inc. (MBI) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBI's)

from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

MBI is seeking a temporary public interest exemption to burn No. 6 fuel oil or natural gas in one or two package boilers (depending on availability) to be located at its Pine Hill, Alabama linerboard, plywood and lumber producing facility. Eligibility and evidentiary requirements governing the use of petroleum and natural gas during the duration of a temporary public interest exemption as authorized under section 211(c) of FUA, are set forth at 10 CFR 503.25. Under subsection (a)(2) of that section, a temporary exemption is available for MFBI's which will be used only during that temporary period during which the petitioner's on-going construction of an alternate fuel fired facility is completed. MBI has petitioned for a temporary exemption from the prohibitions of Title II of FUA under 10 CFR 503.25 based upon the use of one or two (depending upon availability at time of need) package boilers during the expected 6- to 10-month conversion of an existing on-site boiler to coal and wood waste. ERA's decision in this proceeding will determine whether MBI will be granted the requested temporary exemption to use petroleum or natural gas in a rented package boiler(s) for a period of up to 10 months.

ERA has determined that MBI's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant MBI the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of MBI's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and

501.34(b), interested persons are invited to submit written comments on MBI's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of MBI's petition for exemption are due on or July 24, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of the MBI petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-008 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4477.

I. Dow Davis, IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20485, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: MBI is undertaking a major expansion of its Pine Hill complex in Pine Hill, Alabama. This expansion will include the installation of one new recovery boiler designed to burn black liquor (an alternate fuel), a new paper machine, modification of the existing paper machine to increase production, a new continuous digester for cooking hardwood chips, a post consumer waste pulping system, and the conversion of

the facility's existing recovery boiler to burn pulverized coal and wood waste. Also planned is the installation of a new turbine generator and modification of fuel delivery, storage and handling facilities.

This plant expansion increases the overall requirement for process steam that will be accommodated by the conversion of the existing recovery boiler to coal and wood waste with a design heat input rate of 500,000 pounds of steam per hour. The conversion of this boiler cannot begin until the new recovery boiler has been installed and is reliably operating. At that time the rented package boiler(s) would be placed in service to supply the 6-month (or as much as 10-month) shortfall in steaming capacity due to the conversion down time which would require approximately 254 million Btus per hour heat input. MBI's consulting engineers have determined from a survey of major boiler manufacturers that package boilers of the design size and pressure needed are not commercially available to fire coal or other alternate fuels or mixtures of coal and fossil fuels.

MBI has provided, pursuant to 10 CFR 503.25(c), the requisite compliance plan and conservation measures.

ERA hereby gives notice that MBI's petition for a temporary public interest exemption for one or two (depending upon availability) package boilers is complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis: The ERA staff has examined the aforementioned demonstrations made by MBI in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.25. Accordingly, the ERA staff has completed a Tentative Staff Analysis which tentatively recommends that an order be issued which would grant MBI the requested temporary public interest exemption for its planned rented boiler(s) not to exceed 10 months. This exemption can however, be extended upon approval of ERA for a period not to exceed five years.

Reporting Requirements: Under the ERA staff proposal, MBI must notify ERA when the package boiler(s) are placed in service, the date the units are removed from service, and the total fuel consumption of the unit(s) for the

duration of their use. Such notifications shall be executed by a duly authorized representative of MBI. Cite OFC Case No. 65029-9202-01-11 on each document and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 65029-9202-01-11, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on this Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C., on May 30, 1981.

Robert I. Davies,

*Director, Office of Fuels Conversion,
Economic Regulatory Administration.*

[FR Doc. 81-16943 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-010; OFC Case Nos. 56353-9016-01-12, 56353-9016-02-12]

Phillips Petroleum Company; Petition for Order Exempting Major Fuel Burning Installation

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 9, 1981, Phillips Petroleum Company (Phillips) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, (42 U.S.C. 6301 et seq.) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Phillips is seeking permanent exemptions to burn natural gas in a mixture with regenerator effluent gases

(containing carbon monoxide, CO) in two field-erected CO boilers to be constructed at its Borger, Texas refinery. Eligibility and evidentiary requirements governing the use of natural gas in a mixture with alternate fuels, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Phillips has petitioned for a permanent exemption from the prohibitions of Title II of FUA under 10 CFR 503.38 based upon the use of a fuels mixture containing approximately 81 percent natural gas. ERA's decision in this proceeding will determine whether Phillips will be granted the requested permanent exemptions to use natural gas in a mixture with regenerator effluent gases in which the amount of natural gas used in the new MFBI's will be approximately 81 percent of the total annual Btu heat input of the primary energy sources for CO Boilers 29 and 40.

ERA has determined that Phillips' petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Phillips' petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing request must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of Phillip's petition for exemption are due on or before July 24, 1981. Any request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket No. ERA-FC-81-10 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461 Phone (202) 653-4055; Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street,

NW., Room 3128, Washington, D.C. 20461 Phone (202) 653-4477; Marilyn Ross, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, S.W., Washington, D.C. 20585 Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The MFBI's for which Phillips has requested the permanent fuels mixture exemptions are field-erected boilers having a design heat input rate of 497 million Btu's per hour for CO Boiler 29 and 500 million Btu's per hour for CO Boiler 40, a steam generating capacity of 350,000 pounds per hour each, and are designed to burn a mixture of regenerator effluent gases (containing carbon monoxide, CO) and natural gas. CO Boiler 29 will be located at the Borger, Texas refinery's Fluid Catalytic Cracking (FCC) unit 29; CO Boiler 40 will be located at FCC unit 40.

There are currently no CO boilers at the Borger facility. Phillips asserts in their petition that the installation of CO Boilers 29 and 40 in addition to increasing motive power, will reduce air pollution emissions by approximately 140,000 tons per year of carbon monoxide while reducing the overall natural gas consumption, as a boiler fuel, by 6.4% (the equivalent 178,000 barrels per year) for the total refinery.

To qualify for a permanent fuels mixture exemption in accordance with 10 CFR 503.38, a petitioner must demonstrate, to the satisfaction of ERA that:

- (1) he proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and
- (2) the amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

In addressing the eligibility and evidentiary requirements in 10 CFR 503.38 (a) and (c), Phillips states that it will be using FCC unit regenerator effluent gases as the primary energy source for CO Boilers 29 and 40. The company asserts that the regenerator effluent gases must be used in a mixture to maintain a combustion zone temperature high enough to sustain combustion of the CO.

Phillips has included as part of its petition the design specifications for CO Boilers 29 and 40, an engineering assessment of the proportions of natural gas needed to maintain operational reliability and a reasonable level of fuel

efficiency, and an environmental impact analysis.

ERA hereby gives notice that Phillip's petition for permanent fuels mixtures exemptions for CO Boilers 29 and 40 have been determined to be complete as filed and are accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing documents on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW, Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on May 30, 1981.

Robert L. Davies,

*Director Office of Fuels Conversion,
Economic Regulatory Administration.*

[FR Doc. 81-10944 Filed 6-9-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4570-000]

City of Montrose, Colo.; Notice of Application for Preliminary Permit

June 1, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4570 to be known as South Canal (Sites 2, 5, and 7) Project located on the South Canal in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, Colorado, South 1st & Uncompahgre, P.O. Box 790, Montrose, Colorado 81402 and Mr. Jim Hokit, Uncompahgre Valley Water Users Association, 601 North Park—P.O. Box 69, Montrose, Colorado 81402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water and Power Resources Service's (WPRS) South Canal and would consist of new

project facilities developed at three sites.

Site 2, located at South Canal Station 72+50, would consist of: (1) a radial gated intake structure with trashracks; (2) a 12-foot diameter penstock, 200 feet long; (3) a powerhouse with installed capacity of 600 kW; (4) a transmission line 1.25 miles long; (5) a tailrace; and (6) other appurtenances.

Site 5, located at South Canal Station 233+30, would consist of: (1) a trashrack and radial gated intake structure; (2) an 11-foot diameter penstock, 470 feet long; (3) a powerhouse with an installed capacity of 450 kW; (4) a transmission line 0.40 miles long; (5) a tailrace; and (6) other appurtenances.

Site 7, located at South Canal Station 472+00, would consist of: (1) a radial gated intake structure with trashrack; (2) a 10-foot diameter penstock, 600 feet long; (3) a powerhouse with an installed capacity of 900 kW; (4) a transmission line 0.35 miles long; (5) a tailrace; and (6) other appurtenances.

The Applicant estimates that the average annual energy output would be 4,750,000 kWh at Site 2, 3,960,000 kWh at Site 5, and 7,140,000 kWh at Site 7.

Purpose of Project—Project energy would be sold to the Colorado-Ute Electric Association.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under permit would not exceed \$45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4570. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17008 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4569-000]

City of Montrose, Colo.; Notice of Application for Preliminary Permit

June 1, 1981.

Take notice that the City of Montrose, Colorado (Applicant) filed on April 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4569 to be known as Shavano Falls Project located on the M & D Canal, 6 miles west of Montrose, in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Montrose, Colorado, South 1st & Uncompahgre, P.O. Box 790, Montrose, Colorado 81402 and Uncompahgre Valley Water Users Association, 601 North Park—P.O. Box 69, Montrose, Colorado 81402. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Water and Power Resources Service's Montrose and Delta Diversion Dam and Canal and would consist of new project works including: (1) a concrete intake structure; (2) a 4-foot diameter steel penstock, 700 feet long; (3) a powerhouse with an installed capacity of 2,300 kW; (4) a transmission line 4.8 miles long; (5) a tailrace with diversion gates; and (6) other appurtenances. The Applicant estimates that the average annual energy output would be 13,250,000 kWh.

Purpose of Project—Project energy would be sold to the Colorado-Ute Electric Association.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction, economic, environmental, historic, and

recreational studies, and if the proposed project is determined feasible prepare an application for an FERC license. Applicant estimates cost of studies under permit would not exceed \$15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Gregory Wilcox's Shavano Falls Project No. 4024 filed on January 15, 1981, under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4569. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17006 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4577-000]

**Commonwealth Edison Co., Illinois;
Notice of Application for Preliminary
Permit**

June 1, 1981.

Take notice that Commonwealth Edison Company (Applicant) filed on April 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4577 to be known as the Brandon Road Lock and Dam located on the Illinois River in Will County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Harlan Dellsy, Commonwealth Edison Company, P. O. Box 767, Chicago, Illinois 60690. Any person who wishes to file a response to

this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U. S. Army Corps of Engineers' Brandon Road Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an installed generating capacity of 15 MW; and (2) appurtenant facilities. The project would be located on Federal lands.

And Applicant estimates that the average annual energy output would be 70 Gwh.

Purpose of Project—The Applicant proposes to market the power output of the project to their customers.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates the cost of the feasibility study would be about \$41,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company Project No. 3587 filed on October 14, 1981, under 18 C.F.R. (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 30, 1981.

Filing and Service or Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4577. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17010 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP81-24]

**Hawthorne Oil & Gas Corp., et al.;
Notice of Petition for Declaratory
Order**

June 3, 1981.

On May 6, 1981, by their legal counsel, Hawthorne Oil & Gas Corporation, William B. Burkenroad, Jr., Arcade Enterprises, Inc., Republic Production Company of Texas (all hereinafter collectively referred to as

"Hawthorne"), Conoco Inc. ("Conoco"), and Louisiana Gas System Inc. ("LGS Inc.") pursuant to Section 1.8(c) of the Commission's Rules of Practice and Procedure and the Administrative Procedure Act, 5 U.S.C. § 554(e), petition the Commission to issue a declaratory order confirming that a good faith settlement, with court approval, of a state court lawsuit involving the conflicting interpretations of an intrastate gas sales contract pricing clause, subject to Section 105 of the Natural Gas Policy Act, (NGPA), 15 U.S.C. § 3315, is sufficient to meet the Commission's rulings that such controversies should be litigated and decided in state court and not before the Commission.

Petitioners state that Hawthorne produces natural gas from leases which it owns as Lessee in Southwest Gueydan Field, Vermilion Parish, Louisiana. Such gas is sold to LGS Inc. (assignee of Conoco, formerly Continental Oil Company) pursuant to a gas sales contract dated June 1, 1971 (exhibit A to this Petition).

Gas sold by Hawthorne to LGS Inc. and its predecessor Conoco was and is transported and resold only in intrastate commerce within the State of Louisiana. The transmission system of LHS Inc. and its predecessor Conoco has not been and is not interconnected to any interstate natural gas transmission system subject to Commission jurisdiction under the Natural Gas Act. Sales by LGS Inc. and its predecessor Conoco have been and are only in intrastate commerce.

Therefore, Hawthorne's sales of natural gas to LGS Inc. and its predecessor Conoco, have not been and are not subject to the Commission's jurisdiction under the Natural Gas Act. However, on and after December 1, 1978, the gas sales contract has been subject to the provisions of Section 105 of the Natural Gas Policy Act and the Commission's Regulations thereunder.

A controversy over the interpretation of a pricing provision in the gas sales contract existed between the parties prior to enactment of the Natural Gas Policy Act. The Controversy also now extends to the periods on and after December 1, 1978, during which the Natural Gas Policy Act was and is applicable to the gas sales contract. That controversy is the subject of a suit brought by Hawthorne against LGS Inc., and its predecessor Conoco, which is now pending in the 14th Judicial District Court of the State of Louisiana, Calcasieu Parish under Docket No. 80-642.

All of the parties to that suit now desire to compromise and settle that

lawsuit, subject to approval by the state court, and terminate the litigation between them.

Petitioners also state that it is the intent of the parties to submit that Agreement to the state court for approval by judgment, and, after such approval by judgment, implement the Agreement by execution of a Memorandum of Understanding and by pricing the natural gas sold and delivered on and after December 1, 1978, in accordance with the provisions of that Memorandum as long as the Natural Gas Policy Act applies during the remaining term of the contract.

The contract at issue contains what may be generally described as an "FPC clause." Under section 105(b)(1) of the NGPA, a seller may collect the lower of the price under the terms of the contract in effect on November 9, 1978, or the section 102 rate. Pursuant to the settlement, Hawthorne would generally collect a rate equal to the section 103 rate for the periods after November 30, 1978 until expiration of the term of the contract on May 13, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17011 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP81-22-000]

**Marathon Oil Co.; Notice of Petition for
Declaratory Order**

June 2, 1981.

Take notice that on April 17, 1981, Marathon Oil Company, (Marathon) 539 South Main Street, Findlay, Ohio, 45840, filed with Federal Energy Regulatory Commission (Commission) a Petition for Declaratory Order pursuant to § 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7). Marathon requests that the Commission determine the maximum lawful price under section

105 of the Natural Gas Policy Act of 1978 (NGPA) for sales of gas under an existing intrastate contract which provides compensation for a basic contract rate which is less than the section 102 maximum lawful rate.

Specifically, Marathon states it is a major part-interest owner and operator of oil and gas leases in an unitized area known as the South Coles Levee Unit (SCLU) which covers all or parts of section 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14 and 15 of T31S, R25E, Kern County California. Marathon asserts the SCLU gas sales are subject to a 30-year Agreement dated September 1, 1964 with Pacific Lighting Gas Supply Company (now Pacific Lighting Service Company) (PacLight). Marathon alleges the contract provided that PacLight is to pay Marathon 120 percent or 150 percent, depending on the amounts of gas delivered, of the border price (basic contract price) during winter months. These winter rates allegedly exceed the section 105(b)(1) rate. This arrangement, Marathon further states, was developed to provide a supply of gas to help alleviate the seasonal load demand on PacLight's system.

Marathon requests the Commission to make a determination that the border price is the measure for determining the maximum lawful price and that the percentage payment for providing peak winter period delivery capability can be collected without being in violation of the NGPA.

Any person desiring to be heard or to protest this petition should, on or before July 9, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). All protests filed with the

Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-7012 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-110-001]

Michigan Gas Storage Co.; Notice of Extension Report

June 3, 1981.

Take notice that on April 17, 1981, Michigan Gas Storage Company (Michigan Gas), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. ST80-110-001 an extension report pursuant to Section 284.106 of the Commission's Regulations, reporting the extension of transportation of natural gas for, and on behalf of Southeastern Michigan Gas Company (Southeastern), all as more fully set forth in the extension report which is on file with the Commission and open for public inspection.

Michigan Gas states that the subject transportation services are rendered pursuant to a three-party agreement, dated July 16, 1979, as amended, and that the parties to such agreement are Michigan Gas, Southeastern, and Consumers Power Company (Consumers Power). Michigan Gas says further that its transportation services under the subject agreement commenced on December 12, 1979 and the agreement will terminate on July 16, 1981 unless the extension herein proposed is allowed to take effect, in which event the

agreement would be extended through July 16, 1983.

According to Michigan Gas, the volumes of natural gas transported by it under the proposed extension are estimated to continue at 2,400 Mcf per day and would likely total approximately 864,000 Mcf during such extended period.

It is stated that the purpose of the subject agreement is to increase Southeastern's gas supplies in those parts of its service area located in Michigan's Sanilac and Tuscola Counties while avoiding the need for any significant investment by Southeastern in additional facilities.

According to Michigan Gas, the rate charged by it for the transportation services herein described was 7.5 cents per Mcf, but would rise to 10.7 cents per Mcf under the proposed extension.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17013 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

FILE NO. PAGE

FEDERAL REGISTER

RECEIVED: 05/01/81

JAN: TX

ARCO OIL AND GAS COMPANY	RECEIVED: 05/01/81	JAN: TX	1000.0 ARCO OIL & GAS CO
125374 27240	102-4 C M WHOLE #4	JAN: TX	11.0 EL PASO NATURAL G
125462 31445	106 UNIVERSITY A DE WELL #1	JAN: TX	265.0 UNITED TEXAS TRAN
125249 27340	102-4 HAMILTON 1-1	JAN: TX	219.0 LONE STAR GAS CO
HALL PRODUCING CO	RECEIVED: 05/01/81	JAN: TX	5.6 PHILLIPS PETROLEU
125511 24574	103 OSBORNE B #1-1015894	JAN: TX	21.0 VALERO INTERSTATE
GILL J GRAMM	RECEIVED: 05/01/81	JAN: TX	20.0 VALERO INTERSTATE
125457 31695	108 D D FELDMAN #2	JAN: TX	19.0 NORTHERN GAS PROD
BRIGHT & COMPANY	RECEIVED: 05/01/81	JAN: TX	7.0 NORTHERN GAS PROD
129337 26040	108 HAMMAN #1	JAN: TX	16.4 NORTHERN GAS PROD
129336 24039	108 KEYHOLDS UNIT #1	JAN: TX	0.0 LONE STAR GAS CO
CAROLINA GROUP INC	RECEIVED: 05/01/81	JAN: TX	145.0 GASODUCTO INC
129466 31412	109 HILLS	JAN: TX	36.0 PHILLIPS PETROLEU
129461 31813	109 PVL #1	JAN: TX	877.0 TENNESSEE GAS PIP
129459 31810	109 TIPTON #3	JAN: TX	124.1 TENNESSEE GAS PIP
CASHCO ENERGY CORPORATION	RECEIVED: 05/01/81	JAN: TX	124.1 TENNESSEE GAS PIP
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129224 19172	107 S4155 NO 1 WELL	JAN: TX	45.0 COLORADO INTERSTA
CHAFFIN & HEDGES	RECEIVED: 05/01/81	JAN: TX	63.0 PHILLIPS PETROLEU
129255 21150	102-2 YAMMFM FARM U WELL #4	JAN: TX	18.0 PHILLIPS PETROLEU
CHAMPLIN PETROLEUM COMPANY	RECEIVED: 05/01/81	JAN: TX	0.7 CITIES SERVICE OI
129408 30270	102-1F CARTHAGE GAS UNIT 1-3	JAN: TX	0.0 VALERO INTERSTATE
129276 27918	103 CARTHAGE GAS UNIT 26-2	JAN: TX	182.5 NORTHERN NATURAL
129271 27918	103 CARTHAGE GAS UNIT 26-2	JAN: TX	275.0 UNITED GAS PIPE L
129239 24356	103 C P WARDNER NO 148	JAN: TX	75.0 MAYNARD/CPC PIPEL
CITIES SERVICE COMPANY	RECEIVED: 05/01/81	JAN: TX	150.0 MAYNARD/CPC PIPEL
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129534 32533	103 LIVINS 161740	JAN: TX	72.0 ARCO OIL & GAS CO
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129520 22094	103 STRATFORD #1	JAN: TX	
COLA PETROLEUM INC	RECEIVED: 05/01/81	JAN: TX	
129348 26728	103 ROGERS #1	JAN: TX	
CONOCO INC	RECEIVED: 05/01/81	JAN: TX	
129608 33013	103 SCOTSGINS UNIT #3 ID #14005	JAN: TX	
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129409 33312	102-4 COPPEY J HOLZEIN #2	JAN: TX	
COSTA RESOURCES INC	RECEIVED: 05/01/81	JAN: TX	
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COTTON PETROLEUM CORPORATION	RECEIVED: 05/01/81	JAN: TX	
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129226 17042	102-4 STORCHENGE LTD #1	JAN: TX	
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129394 29582	102-4 SHARP NO 1 #1-101566110	JAN: TX	
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DELTA DRILLING CO	RECEIVED: 05/01/81	JAN: TX	

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KING RANCH SEELTISON, C-201 (86213)	102.2	ARMCO STEEL CORP
L. H. PIRKLE, C #3	554.8	ARMCO STEEL CORP
MEANS/SAN ANDRES/ UNIT #662	4.0	PHILLIPS PETROLEU
PECAN GROVE	400.0	ARMCO STEEL CORP
ROBERTSON CLEARFORK UNIT #1130	21.0	PHILLIPS PETROLEU
SAN JENKINS E #3	3.0	PHILLIPS PETROLEU
TRAVICK GAS UNIT 15 #3	400.0	ARMCO STEEL CORP
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E O WEBB #2-C	0.0	SHELL OIL CO
L F WEBB #1-D	0.0	SHELL OIL CO
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M B FULLER NO 1	375.0	DELHI GAS PIPELIN
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BAKER UNIT 1 WELL #1 12107	18.0	PRODUCERS GAS CO
DRR UNIT 11 WELL #1	22.0	PRODUCERS GAS CO
GLOSMITH SAN ANDRES UNIT NO 2-169	11.5	PHILLIPS PETROLEU
HUMPHRIES UNIT 111 WELL #1	2.0	PRODUCERS GAS CO
LENZ UNIT 1 WELL #1	5.0	PRODUCERS GAS CO
NEST # 19	4.0	KERR MCGEE CORP
V T HURT ETAL NO 4	200.0	NATURAL GAS PIPEL
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812345	424	

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OFFICE	UNIT	DATE	FIELD NAME	PROD	PURCHASER	
HILLTOP	102-4	HANKS ET AL UNIT II WELL NO 1	BLACKFOOT (NORTH) ROCESS	180.0	LONE STAR GAS CO	
	102-4	HANKS ET AL UNIT III WELL NO 1	BLACKFOOT NORTH (ROCESS)	180.0	LONE STAR GAS CO	
	102-4	HANKS ET AL WELL NO 1	BLACKFOOT (NORTH) ROCESS	180.0	LONE STAR GAS CO	
	RECEIVED: 05/01/81 JAC: TX					
	102-4	J W WICKHAM WELL #1	WICKHAM (PALO PINTO)	284.7	PALO DURO PIPELIN	
	RECEIVED: 05/01/81 JAC: TX					
	102-4	CARTER BROS NO 1	DAMASCUS (WOODBINE 9330)	500.0	ST REGIS PAPER CO	
	RECEIVED: 05/01/81 JAC: TX					
	103	MORRIS 64-3 (89371)	SAWYER/CANYON/	14.6	INTRATEX GAS CO	
	103	MORRIS 64-3 (89371)	SAWYER/CANYON/	14.6	INTRATEX GAS CO	
103	RICHARDSON 138-2 (89760)	SAWYER/CANYON/	43.8	INTRATEX GAS CO		
103	RICHARDSON 138-2 (89760)	SAWYER/CANYON/	43.8	INTRATEX GAS CO		
103	RICHARDSON 138-3 (89785)	SAWYER/CANYON/	62.1	INTRATEX GAS CO		
103	RICHARDSON 138-3 (89785)	SAWYER/CANYON/	62.1	INTRATEX GAS CO		
103	SAWYER 4-3 (89419)	SAWYER/CANYON/	36.5	INTRATEX GAS CO		
103	SAWYER 4-3 (89419)	SAWYER/CANYON/	36.5	INTRATEX GAS CO		
103	SIMPONS 3-1 (88167)	SAWYER/CANYON/	87.6	INTRATEX GAS CO		
103	SIMPONS 3-1 (88167)	SAWYER/CANYON/	87.6	INTRATEX GAS CO		
103	VANERSTUCKEN 45-2 (90823)	SAWYER/CANYON/	146.0	INTRATEX GAS CO		
103	VANERSTUCKEN 45-2 (90823)	SAWYER/CANYON/	146.0	INTRATEX GAS CO		
103	WADE 35-2 (87262)	SAWYER/CANYON/	62.1	INTRATEX GAS CO		
103	WADE 35-2 (87262)	SAWYER/CANYON/	62.1	INTRATEX GAS CO		
103	WADE 52-1 (89082)	SAWYER/CANYON/	146.0	INTRATEX GAS CO		
103	WADE 52-1 (89082)	SAWYER/CANYON/	146.0	INTRATEX GAS CO		
103	WADE 53-1 (89083)	SAWYER/CANYON/	2.6	INTRATEX GAS CO		
103	WADE 53-1 (89083)	SAWYER/CANYON/	2.6	INTRATEX GAS CO		
103	WADE 53-2 (89084)	SAWYER/CANYON/	20.4	INTRATEX GAS CO		
103	WADE 53-2 (89084)	SAWYER/CANYON/	20.4	INTRATEX GAS CO		
RECEIVED: 05/01/81 JAC: TX						
107-TF	M A YANGLER ESTATE NO 1	HENDERSON NORTH (COTTON)	730.0	DELHI GAS PIPELIN		
RECEIVED: 05/01/81 JAC: TX						
103	H 2 G A COY A NG 4	LAS TIENDAS (WILCOX)	273.8	HOUSTON PIPE LINE		
RECEIVED: 05/01/81 JAC: TX						
103	SEASLEY-CONNVEY #12	LAS TIENDAS (WILCOX)	273.0	HOUSTON PIPE LINE		
103	SEASLEY-CONNVEY #13	LAS TIENDAS (WILCOX)	164.3	HOUSTON PIPE LINE		
103	ELO MUELLER UNIT #1	GIDDINGS (AUSTIN CHALK)	400.0	CLAUDON GAS CO		
RECEIVED: 05/01/81 JAC: TX						
102-2	BETH DIANE #1 - 12762	GIDDINGS	22.0	PHILLIPS PETROLEU		
103	BETH DIANE #1 - 12762	GIDDINGS	22.0	PHILLIPS PETROLEU		
102-4	HIPPOLYTE #1 WELL / 85840	GIDDINGS	858.5	PHILLIPS PETROLEU		
102	HIPPOLYTE #1 WELL / 85840	GIDDINGS	858.5	PHILLIPS PETROLEU		
102-2	JACIE SIMPSON - 12337	GIDDINGS	49.0	PHILLIPS PETROLEU		
103	JACIE SIMPSON - 12337	GIDDINGS	49.0	PHILLIPS PETROLEU		
102-4	JOYCE ROGERS - 86215	GIDDINGS	826.7	PHILLIPS PETROLEU		
103	JOYCE ROGERS - 86215	GIDDINGS	826.7	PHILLIPS PETROLEU		
102-2	LINDA ANN MORGAN	GIDDINGS	27.0	PHILLIPS PETROLEU		
103	LINDA ANN MORGAN	GIDDINGS	27.0	PHILLIPS PETROLEU		
102-2	MARY KAY - 12362	GIDDINGS	377.8	PHILLIPS PETROLEU		
103	MARY KAY - 12362	GIDDINGS	377.8	PHILLIPS PETROLEU		
102-2	PATRICK LEE - 12295	GIDDINGS	25.5	PHILLIPS PETROLEU		
103	PATRICK LEE - 12295	GIDDINGS	25.5	PHILLIPS PETROLEU		
103	RHONDA K #1 - 13786	GIDDINGS - AUSTIN CHALK	1044.0	PHILLIPS PETROLEU		
103	RHONDA K #1 - 13786	GIDDINGS - AUSTIN CHALK	1044.0	PHILLIPS PETROLEU		

FIELD NAME

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8129605	31304	4236700000	108	C B EDMONSON #8	0.0 SOUTHWESTERN GAS
8129601	32000	4236700000	108	C P EDMONSON #9	0.0 SOUTHWESTERN GAS
8129521	29462	4249731500	103	CURTIS YOUNG #2	585.3 NATURAL GAS PIPEL
8129602	33001	4236700000	108	BUCK RANCH (STRAWN)	0.0 SOUTHWESTERN GAS
8129592	32978	4249700000	108	C G TALLEY #3	0.0 NATURAL GAS PIPEL
8129594	32980	4249700000	108	DOLLIE THORELL #1	0.0 NATURAL GAS PIPEL
8129393	26203	4249731526	103	EPFIE OWENS #3	60.0 NATURAL GAS PIPEL
8129384	29048	4249731896	103	H E MYERS #5	75.0 NATURAL GAS PIPEL
8129323	32618	4249700000	108	HUDOLESTON - WINSON #2	12.4 NATURAL GAS PIPEL
8129595	32981	4249700000	108	I E HINALE #1 28673	0.0 NATURAL GAS PIPEL
8129597	32987	4236700000	108	J A CILLEY #1	0.0 SOUTHWESTERN GAS
8129315	24982	4249731930	103	J E CARTER #1	650.0 NATURAL GAS PIPEL
8129600	32609	4249700000	108	J R WITT #1	29.0 NATURAL GAS PIPEL
8129349	30845	4249700000	108	N R ROBERTS -B-#1U 18775	0.0 SOUTHWESTERN GAS
8129593	32039	4249700000	108	O L FOULWAPE #1	0.0 NATURAL GAS PIPEL
8129224	17067	4249700000	108	PAUL CURTNER #1 19567	3.5 NATURAL GAS PIPEL
8129383	29647	4249731817	103	R L WINSON #1	13.0 NATURAL GAS PIPEL
8129369	27931	4249700000	108	R N WILLIFORD #1	0.0 NATURAL GAS PIPEL
8129599	32094	4249731655	103	R T WHITE #1-C 28848	15.0 NATURAL GAS PIPEL
8129356	27931	4249700000	108	RAYMOND STEVENS #2U	13.0 NATURAL GAS PIPEL
8129300	24292	4249731655	103	SAM KIKER #1 28713	10.0 NATURAL GAS PIPEL
8129475	32291	4235309396	102-4	STACK ESTATE #1	0.0 NATURAL GAS PIPEL
8129496	32706	4236731243	103	T PETTS #2L 88288	72.0 NATURAL GAS PIPEL
8129573	32004	4248100000	102-4	RECEIVED: 05/01/81	32.1 UNION TEXAS PETRO
8129223	19061	4218100000	103	RECEIVED: 05/01/81	4.7 PIONEER NATURAL G
8129402	29915	4036730865	108	RECEIVED: 05/01/81	0.0 FLORIDA GAS TRANS
8129344	26322	4212330940	102-4	RECEIVED: 05/01/81	150.0 LONE STAR GAS CO
8129465	31911	4265731012	102-4	RECEIVED: 05/01/81	14.0 LONE STAR GAS CO
8129399	29660	4266500000	108	RECEIVED: 05/01/81	120.0 SUNBURST ENERGIES
8129398	29549	4266500000	108	RECEIVED: 05/01/81	0.0 TEJAS PIPE LINE C
8129395	29598	4266500000	108	RECEIVED: 05/01/81	0.0 ALUMINUM CO OF AM
8129397	29598	4266500000	108	RECEIVED: 05/01/81	2.0 GETTY OIL CO
8129396	29597	4266500000	108	RECEIVED: 05/01/81	2.0 GETTY OIL CO
8129371	27961	4266700000	102	RECEIVED: 05/01/81	13.0 GETTY OIL CO
8129244	16750	4249330467	103	RECEIVED: 05/01/81	186.0 FLORIDA GAS TRANS
8129243	19749	4249330573	103	RECEIVED: 05/01/81	25.0 TESORO NATURAL GA
8129386	29097	4221131135	107-LP	RECEIVED: 05/01/81	36.0 TESORO NATURAL GA
8129230	17940	4249700000	108	RECEIVED: 05/01/81	0.0 NATURAL GAS PIPEL
8129266	21669	4223300000	108	RECEIVED: 05/01/81	20.1 UPHAM OIL & GAS C
8129356	32123	4250300000	103	RECEIVED: 05/01/81	12.0 EL PASO NATURAL G
				PARCEL FOTHERFOEL	13.8 SUN GAS GATHERING

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FIELD NAME	PROD	PURCHASER
DOLLIE SMITH (STRAWN 350	20.0	SUN GAS GATHERING
FLORES (10-m)	220.0	TEXAS EASTERN TRA
TIDELHAVEN (10500)	1095.0	TENNESSEE GAS PIP
POOLVILLE S W (CADD0)	15.0	LOME STAR GAS CO
DICEY S	2500.0	NATURAL GAS PIPEL
FARMER (SAN ANDRES)	11.7	NORTHERN NATURAL
JOHNNY (CONGL UPPER)	110.0	SUN GAS GATHERING
BECKVILLE NORTH (COTTON	0.0	ARKANSAS LOUISIAN
BECKVILLE NORTH (COTTON	0.0	ARKANSAS LOUISIAN
COLETTO CREEK E (2900) F	25.0	HOUSTON PIPE LINE
ACKERLY (DEAN SAND)	21.9	TEXACO INC
ACKERLY (DEAN SAND)	18.2	TEXACO INC
ACKERLY (DEAN SAND)	18.2	TEXACO INC
ACKERLY (DEAN SAND)	16.4	GETTY OIL CO
SAMELAN FRIO	1580.0	EL PASO NATURAL G
JUANITA (LOBO) FIELD	0.0	TENNESSEE GAS PIP
GEORGE WEST TOWNSITE (SL	500.0	UNITED TEXAS TRAN
DOLGUES CREEK (WILCOX 86	0.0	VALERO TRANSMISSI
LAREDO (5650)	500.0	VALERO TRANSMISSI
CHAMEERS (NAVARRO)	15.0	FERGUSON CROSSING
HARPER	0.6	PHILLIPS PETROLEU
HARPER	0.3	PHILLIPS PETROLEU
HARPER	0.3	PHILLIPS PETROLEU
HARPER	1.3	PHILLIPS PETROLEU
OWNBY	11.9	AMOCO PRODUCTION
LOPEZ RANCH (VICKSBURG 1	250.0	
WAMA W (CONSOLIDATED DEL	5.5	EL PASO NATURAL G
MONAHANS (CLEAR FORK)	11.0	EL PASO NATURAL G
WASSON S (WICHITA-ALBANY	7.6	COLTEXO CORP
LAKE AUSTIN (MIO 165) (P	300.0	
CROSSETT S (DETRITIAL)	8.6	SHELL OIL CO
CROSSETT S (DETRITIAL)	4.9	SHELL OIL CO
TXL (SAN ANDRES)	5.6	SHELL OIL CO
TXL (SAN ANDRES)	2.0	SHELL OIL CO
DUNE	1.8	PHILLIPS PETROLEU
DUNE	1.6	PHILLIPS PETROLEU
DUNE	1.8	PHILLIPS PETROLEU
EAST PANHANDLE	6.3	ASHLAND OIL INC
EAST PANHANDLE	2.6	ASHLAND OIL INC

FIELD NAME	PROD	PURCHASER
SCHLITTLER 20232	103	RECEIVED: 05/01/81 JA: TX
WIN09 NO 1	102-4	RECEIVED: 05/01/81 JA: TX
PIECE-HEFFELFINGER UNIT 2 #1	102-4	RECEIVED: 05/01/81 JA: TX
RYANT #1 RRC 10 #88872	103	RECEIVED: 05/01/81 JA: TX
EASON #1	102-4	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 9E #5	103	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 9E #5	103	RECEIVED: 05/01/81 JA: TX
NANTZ A-1	103	RECEIVED: 05/01/81 JA: TX
MOODY COTTON UNIT WELL NC 1	103	RECEIVED: 05/01/81 JA: TX
MOODY COTTON UNIT WELL NO 1	107-TF	RECEIVED: 05/01/81 JA: TX
AUGUST GAUGLER #2	102-4	RECEIVED: 05/01/81 JA: TX
COX RRC#62852	103	RECEIVED: 05/01/81 JA: TX
MAHONEY A NO 3 RRC# 62518	103	RECEIVED: 05/01/81 JA: TX
RRC# 62617	103	RECEIVED: 05/01/81 JA: TX
SCHMIDT RRC# 62762	103	RECEIVED: 05/01/81 JA: TX
STATE TRACT #18L NO F-1	102-0	RECEIVED: 05/01/81 JA: TX
PRUNI MINERALS TRUST 2-A	102-4	RECEIVED: 05/01/81 JA: TX
GEORGE WEST TOWNSITE NO 2	102-4	RECEIVED: 05/01/81 JA: TX
SOPHIE J MARTIN NO 2 #1 NO 42 475	102-4	RECEIVED: 05/01/81 JA: TX
ALFREDO VILLAREAL GAS UNIT NO 1	102-2	RECEIVED: 05/01/81 JA: TX
DAVID BLACK #0 4	103	RECEIVED: 05/01/81 JA: TX
HARPER UNIT #239	108	RECEIVED: 05/01/81 JA: TX
HARPER UNIT #307	108	RECEIVED: 05/01/81 JA: TX
HARPER UNIT #435	108	RECEIVED: 05/01/81 JA: TX
EAST HARPER UNIT #18	108	RECEIVED: 05/01/81 JA: TX
OWNEY S A UNIT #1	108	RECEIVED: 05/01/81 JA: TX
RAMIREZ NO 1	102-4	RECEIVED: 05/01/81 JA: TX
RAPE #7-L	108	RECEIVED: 05/01/81 JA: TX
SEALY SMITH FEN #136	108	RECEIVED: 05/01/81 JA: TX
SHARP J R #2C	108	RECEIVED: 05/01/81 JA: TX
SHELL ST LSE 76176 #1	102-4	RECEIVED: 05/01/81 JA: TX
SOUTH CROSS UNIT #116	108	RECEIVED: 05/01/81 JA: TX
SOUTH CROSS UNIT #118	108	RECEIVED: 05/01/81 JA: TX
TXL -L- ACCT # #17	108	RECEIVED: 05/01/81 JA: TX
TXL-L-A/C 2 #25	108	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 30-C #6	108	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 30-C #7	108	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 30-C #9	108	RECEIVED: 05/01/81 JA: TX
UNIVERSITY 30-C #1	108	RECEIVED: 05/01/81 JA: TX
BOPEN #1	108	RECEIVED: 05/01/81 JA: TX
HEAPROW #1	108	RECEIVED: 05/01/81 JA: TX

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FIELD NAME	FMCO	PURCHASER
MINERAL WELLS S (CONGL)	0.3	SOUTHWESTERN GAS
LAKE WEATHERFORD (BIG SA)	3.2	SOUTHWESTERN GAS
SPRABERRY (TRENDA AREA)	14.5	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	33.0	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	32.0	PHILLIPS PETROLEUM
VALERA N (GARDNER GAS)	301.0	ODESSA NATURAL CO
WILDCAT	90.0	DELHI GAS PIPELINE
WILDCAT	90.0	DELHI GAS PIPELINE
VAN DYKE (ATOKA)	110.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	25.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	200.0	NATURAL GAS PIPE
CLAYTON (CONGL)	56.0	SOUTHWESTERN GAS
MOBY DICK (STRAWN)	130.0	NATURAL GAS PIPE
KUZELL (CONGLOMERATE)	110.0	NATURAL GAS PIPE
VAN DYKE (STRAWN)	90.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	107.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	55.0	NATURAL GAS PIPE
BRAZOS AREA 446L SE/4 (2)	912.0	VALERO TRANSMISSI
BRAZOS AREA 446-L SE/4 (1)	912.0	VALERO TRANSMISSI

FIELD NAME	FMCO	PURCHASER
MINERAL WELLS S (CONGL)	0.3	SOUTHWESTERN GAS
LAKE WEATHERFORD (BIG SA)	3.2	SOUTHWESTERN GAS
SPRABERRY (TRENDA AREA)	14.5	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	33.0	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	32.0	PHILLIPS PETROLEUM
VALERA N (GARDNER GAS)	301.0	ODESSA NATURAL CO
WILDCAT	90.0	DELHI GAS PIPELINE
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VAN DYKE (ATOKA)	25.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	200.0	NATURAL GAS PIPE
CLAYTON (CONGL)	56.0	SOUTHWESTERN GAS
MOBY DICK (STRAWN)	130.0	NATURAL GAS PIPE
KUZELL (CONGLOMERATE)	110.0	NATURAL GAS PIPE
VAN DYKE (STRAWN)	90.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	107.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	55.0	NATURAL GAS PIPE
BRAZOS AREA 446L SE/4 (2)	912.0	VALERO TRANSMISSI
BRAZOS AREA 446-L SE/4 (1)	912.0	VALERO TRANSMISSI

FIELD NAME	FMCO	PURCHASER
MINERAL WELLS S (CONGL)	0.3	SOUTHWESTERN GAS
LAKE WEATHERFORD (BIG SA)	3.2	SOUTHWESTERN GAS
SPRABERRY (TRENDA AREA)	14.5	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	33.0	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	32.0	PHILLIPS PETROLEUM
VALERA N (GARDNER GAS)	301.0	ODESSA NATURAL CO
WILDCAT	90.0	DELHI GAS PIPELINE
WILDCAT	90.0	DELHI GAS PIPELINE
VAN DYKE (ATOKA)	110.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	25.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	200.0	NATURAL GAS PIPE
CLAYTON (CONGL)	56.0	SOUTHWESTERN GAS
MOBY DICK (STRAWN)	130.0	NATURAL GAS PIPE
KUZELL (CONGLOMERATE)	110.0	NATURAL GAS PIPE
VAN DYKE (STRAWN)	90.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	107.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	55.0	NATURAL GAS PIPE
BRAZOS AREA 446L SE/4 (2)	912.0	VALERO TRANSMISSI
BRAZOS AREA 446-L SE/4 (1)	912.0	VALERO TRANSMISSI

FIELD NAME	FMCO	PURCHASER
MINERAL WELLS S (CONGL)	0.3	SOUTHWESTERN GAS
LAKE WEATHERFORD (BIG SA)	3.2	SOUTHWESTERN GAS
SPRABERRY (TRENDA AREA)	14.5	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	33.0	PHILLIPS PETROLEUM
GIDDINGS (AUSTIN CHALK)	32.0	PHILLIPS PETROLEUM
VALERA N (GARDNER GAS)	301.0	ODESSA NATURAL CO
WILDCAT	90.0	DELHI GAS PIPELINE
WILDCAT	90.0	DELHI GAS PIPELINE
VAN DYKE (ATOKA)	110.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	25.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	200.0	NATURAL GAS PIPE
CLAYTON (CONGL)	56.0	SOUTHWESTERN GAS
MOBY DICK (STRAWN)	130.0	NATURAL GAS PIPE
KUZELL (CONGLOMERATE)	110.0	NATURAL GAS PIPE
VAN DYKE (STRAWN)	90.0	NATURAL GAS PIPE
VAN DYKE (ATOKA)	107.0	NATURAL GAS PIPE
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BRAZOS AREA 446L SE/4 (2)	912.0	VALERO TRANSMISSI
BRAZOS AREA 446-L SE/4 (1)	912.0	VALERO TRANSMISSI

OTHER PURCHASERS VOLUME NO. 2474

 8129212 DELHI GAS P L CORP
 8129251 NATURAL GAS P L CO OF AMER
 8129256 HOUSTON LIGHTING & POWER CO
 8129257 HOUSTON LIGHTING & POWER CO
 8129258 HOUSTON LIGHTING & POWER CO
 8129259 HOUSTON LIGHTING & POWER CO
 8129262 UNITED TEXAS TRANS CO
 8129291 HOUSTON LIGHTING & POWER CO
 8129293 NATURAL GAS P-L CO OF AMER
 8129309 COLUMBIA GAS TRANS
 8129310 HOUSTON P L CO
 8129312 LOVE STAR GAS CO
 8129342 NORTHERN NATURAL GAS CO
 8129364 AMOCO GAS CO
 8129379 VALERO TRANS CO
 8129425 DELHI
 8129426 HOUSTON LIGHTING & POWER CO
 8129429 HOUSTON LIGHTING & POWER CO
 8129430 HOUSTON LIGHTING & POWER CO
 8129434 HOUSTON LIGHTING & POWER CO
 8129435 HOUSTON LIGHTING & POWER CO
 8129456 HOUSTON LIGHTING & POWER CO
 8129454 WESTERN GAS CORP
 8129491 ALUMINUM CO OF AMER
 8129492 LOVE STAR GAS CO
 8129503 AMOCO
 8129504 AMOCO
 8129505 AMOCO
 8129506 AMOCO
 8129507 AMOCO
 8129508 AMOCO
 8129509 AMOCO
 8129510 AMOCO
 8129511 AMOCO
 8129587 AMOCO

BILLING CODE 8450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the *Federal Register*.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
 102-2: New well (2.5 mile rule)
 102-3: New well (1000 ft rule)
 102-4: New onshore reservoir
 102-5: New reservoir on old OCS lease
 Section 107-DP: 15,000 feet or deeper
 107-GB: Geopressured brine
 107-CS: Coal seams
 107-DV: Devonian shale
 107-PE: Production enhancement
 107-TF: New tight formation
 107-RT: Recompletion tight formation
 Section 108: Stripper well
 108-SA: Seasonally affected
 108-ER: Enhanced recovery
 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17005 Filed 6-8-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-32-000]

Alabama River Pulp Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 4, 1981.

On May 12, 1981, the Alabama River Pulp Company of Clairborne Mill, Perdu Hill, Alabama, filed with the Federal Energy Regulatory Commission (Commission) an application for certification as a qualifying cogeneration facility pursuant to section 292.207 of the Commission's rules.

The facility, installed in May, 1977, is located in Monroe County, Alabama. It is a topping-cycle cogeneration facility

that uses biomass as its primary energy source. The facility has an installed capacity of 48 megawatts. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17040 Filed 6-8-81 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-283-001]

Alabama-Tennessee Natural Gas Co.; Amendment to Application

June 3, 1981.

Take notice that on May 11, 1981, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama 35631, filed in Docket No. CP81-283-001 an amendment to its pending application in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act. The application requests authorization to render natural gas service to public Service Electric and Gas Company (Public Service). The gas was proposed to be used to displace oil for the generation of electricity. The instant amendment states that Public Service now proposes to use the gas for its system supply for resale and that the gas would be transported on behalf of Public Service by Texas Eastern Transmission Corporation pursuant to the provisions of Section 311(a)(1) of the Natural Gas Policy Act of 1978. Applicant's proposals are more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17062 Filed 6-8-81 8:46 am]

BILLING CODE 6450-85-M

[Docket No. ER80-508]

Boston Edison Co.; Compliance Filing

June 2, 1981.

Take notice that on May 19, 1981, Boston Edison Company submitted a compliance filing in the above-captioned proceeding pursuant to the Commission's letter order of May 1, 1981.

The compliance report advises the Commission that on May 15, 1981, Edison paid refunds to the Town of Reading for amounts collected under the Contract Demand Tariff. Edison states that the refund applies only to the first month of service at the higher rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17063 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-490-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Taunton (Massachusetts) Municipal Lighting Plant. The proposed effective date of the contract is February 21, 1981.

Copies of the filing were served on the Taunton Municipal Lighting Plant and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17041 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-492-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Taunton (Massachusetts) Municipal Lighting Plant.

Copies of the filing were served on the Taunton Municipal lighting plant and

the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17042 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-479-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 21, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Braintree (Massachusetts) Electric Light Department. The proposed effective date of the contract is December 26, 1980.

Copies of the filing were served on the Braintree Electric Light Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17043 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-491-000]

Boston Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company, on May 26, 1981 tendered for filing a proposed initial rate schedule consisting of a contract for the sale of unit capacity to the Reading (Massachusetts) Municipal Light Department. The proposed effective date of the contract is December 22, 1980.

Copies of the filing were served on the Reading Municipal Light Department and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17024 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-489-000]

Central Hudson Gas & Electric Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Central Hudson Gas & Electric Corporation (Central Hudson) on May 26, 1981 tendered for filing as a rate schedule an executed agreement dated May 18, 1981 between Central Hudson and Philadelphia Electric Company. The proposed rate schedule provides for the sale of firm capability

and associated energy by Central Hudson.

The rate schedule provides for a capability charge of \$100 per megawatt per day of capability made available by Central Hudson and an energy charge equal to Central Hudson's incremental steam electric generating costs, including operation and maintenance costs and the incremental cost of transmission losses.

Central Hudson requests waiver of the notice requirements of § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective on May 18, 1981 in accordance with the terms thereof.

Copies of the filing by Central Hudson were served upon Philadelphia Electric Company and the Public Service Commission of New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth P. Plumb,

Secretary.

[FR Doc. 81-17025 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-52-000]

Citizens Utilities Co.; Application

June 3, 1981.

Take notice that on May 22, 1981, Citizens Utilities Company (Applicant), filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to engage in negotiations as guarantor in connection with the proposed financing of not more than \$35 million of pollution control facilities and other construction projects.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the

requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17026 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-117-000]

City of Dalton, Ga.; Application for Exemption

June 3, 1981.

Take notice that the City of Dalton, Georgia (Dalton) on April 29, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subpart D.

In its application for exemption, Dalton states that it should not be required to file the specified data for the following reasons:

Dalton Utilities entered into a joint venture for power production with the Georgia Power Company, the Ogelthorpe Power Corporation, and Municipal Electric Authority of Georgia (a group of municipal power systems) in 1977. This group has done joint load research for the purpose of fulfilling the reporting requirements of PURPA. Data reported by the Georgia Power Company provides the basis for an exemption for Dalton from the requirement to separately report such data.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: City of Dalton—Water, Light & Sinking Fund Commission, Attention: Mr. V. D. Parrott, Jr., President, P.O. Box 869, Dalton, Georgia 30720.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17027 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-28-000]

Clark University; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 4, 1981.

On April 27, 1981, Clark University of Worcester, Massachusetts, filed with the Federal Energy Regulatory Commission an application pursuant to section 292.207 of the Commission's rules.

The facility is a dual-fuel, topping-cycle cogeneration facility to be located at the applicant's campus in Worcester, Massachusetts. The primary energy source for the facility will be natural gas. The power production capacity of the facility is 18 megawatts at an 80 percent power factor. The facility will provide heat and hot water to various buildings on the campus and all of the applicant's electrical needs. No portion of the facility will be owned by an electric utility, electric utility holding company, or any combination thereof.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17044 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-317-000]

Columbia Gas Transmission Corp.; Application

May 22, 1981.

Take notice that on May 4, 1981, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP81-317-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional

compressor unit at its Seneca Compressor Station (Seneca) in Pendleton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gas requests authorization to construct and operate a 13,750 horsepower gas turbine driver-centrifugal compressor unit at Seneca. Columbia Gas states that Seneca is located at a critical point on Columbia Gas' B System which partially supplies its Eastern Market Area, including the Washington-Baltimore Area, and that it is essential that this station have a high degree of reliability to permit operation at a high load factor during the winter period. Columbia Gas indicates that during winter/day design operations it would use the proposed 13,750 horsepower unit in firm service and the existing Seneca units, which consist of one 6,200 and two 3,165 horsepower units, in standby service.

Columbia Gas states that it would purchase a surplus GE Frame 3 turbine compressor unit from Columbia Gulf Transmission Company (Columbia Gulf), an affiliate, which can be upgraded to 13,750 horsepower. Such unit is currently at Columbia Gulf's Stanton Compressor Station and that the abandonment of said unit is currently pending before the Commission in Docket No. CP81-161-000, it is stated. Columbia Gas states that it also intends to purchase a surplus auxiliary equipment at its Seneca Compressor Station.

The application states that on February 26, 1981, a failure occurred in the regenerative unit of the existing 6,200 horsepower Seneca compressor unit, and that it has been estimated that this unit, which was installed in 1953, cannot be made operational until approximately November 1, 1981. Columbia Gas contends that without the availability of this unit, it would experience an approximate 113,000 Mcf per day reduction in the capability of the B System on a design day during the 1981-82 winter period. Additionally, other major accessory components of the existing 6,200 horsepower units are obsolete and efforts to keep the unit in operating condition have required repairs using material not specifically designed for the application, it is said. It is stated that a failure in one of the major components could render the compressor unit inoperable for periods of months, up to two years. The two existing 3,165 horsepower compressor units at Seneca are light duty Allison units primarily installed for peaking service, it is said.

Columbia Gas indicates that it intends to make every effort to complete installation of the Stanton unit at Seneca by November 1, 1980, in order to assure design day capabilities of the B system during the 1981-82 winter period.

Columbia Gas indicates that it would purchase the proposed facility from Columbia Gulf at its original cost less depreciation for an estimated net out-of-pocket cost of \$861,831. The estimated total capital cost for installing and upgrading the proposed 13,750 horsepower compressor unit at Seneca would be \$7,190,000 which cost would be financed from internally generated funds, Columbia Gas states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17054 Filed 6-9-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-478-000]

Duke Power Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on May 21, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 13 from 3,300 KW to 6,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 20, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17045 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-475-000]

Florida Power Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 21, 1981, Florida Power Corporation (Florida Power) tendered for filing a revision to

the daily capacity charge for its scheduled interchange service to Florida Power & Light Company, Tampa Electric Company, the Orlando Utilities Commission, the Sebring Utilities Commission, the Jacksonville Electric Authority, and the Cities of Gainesville, Kissimmee, St. Cloud and Lakeland, Florida under interconnection agreements with each of these utilities. According to Florida Power, the revised charge of \$82.66 per MW per day is based on 1980 data and is derived according to the same method shown in cost support schedules submitted with the interconnection agreements. According to Florida Power, the present daily capacity charge based on 1979 data is \$73.45 per MW per day.

Florida Power requests that the revised daily capacity charge be made effective on May 1, 1981, and requests waiver of the notice requirement.

According to Florida Power, the filing has been served on each of the above-named utilities and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17040 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1960-000]

George F. Head; Filing

June 4, 1981.

The filing individual submits the following:

Take notice that on May 18, 1981, George F. Head filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Georgia Power Company
Director, Southern Electric Generating Company

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17047 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1959-000]

Louis H. Heider; Filing

June 4, 1981.

The filing individual submits the following:

Take notice that on May 26, 1981, Louis H. Heider filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Yankee Atomic Electric Company

Vice President, Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17051 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1940-000]

John G. Herbein; Notice of Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, John G. Herbein filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Metropolitan Edison Company

Vice President, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17065 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-59-000]

Hobart Corp.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 26, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested

order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17058 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID1941-000]

Gale K. Hovey; Notice of Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Gale K. Hovey filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President,—Metropolitan Edison Company

Vice President,—GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (19 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17064 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID1942-000]

Henry D. Hukill; Filing

June 1, 1981.

The filing individual submits the following:

Take notice that on April 6, 1981, Henry D. Hukill filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Metropolitan Edison Company

Vice President, GPU Nuclear Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17066 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-467-000]

Indiana & Michigan Electric Co.; Filing

June 3, 1981.

The filing company submits the following.

Take notice that American Electric Power Service Corporation (AEP) on May 18, 1981 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M) Modification No. 8, dated May 1, 1981, to the Agreement, dated January 2, 1977, between The City of Richmond, Indiana and Indiana & Michigan Electric Company, I&M's Rate Schedule FERC No. 70.

Section 1 of Modification No. 8 provides for an increase in the demand charge for Short Term Power from \$0.85 to \$1.05 per kilowatt per week. This schedule proposed to become effective May 1, 1981.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenue resulting from its modification

for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenue which would have resulted had the modification been in effect during the twelve-month period ending December 1980 would have been \$3,000.00 (i.e., from \$15,676.10 to \$18,676.10) for when Indiana & Michigan Electric Company supplied Short Term Energy to Richmond Power & Light and \$60,452.38 (i.e., from \$1,186,612.20 to \$1,247,064.58) for when Richmond Power & Light supplied Short Term Energy to Indiana & Michigan Electric Company.

Copies of the filing were served upon the City of Richmond, Indiana, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before June 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17048 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-51-000]

Iowa Public Service Co.; Application

June 3, 1981.

Take notice that on May 22, 1981, Iowa Public Service Company (Applicant) filed an application seeking authority to negotiate the proposed financing and guarantee of Pollution Control Revenue Bonds to finance its share of costs associated with the construction of pollution control facilities at Unit No. 1 of the Louisa Generating Station in Louisa County, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17028 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-482-000]

Kansas Gas & Electric Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company, on May 22, 1981 tendered for filing a proposed change in its FPC Electric Service Tariff No. 137. The proposed Amendment changes the minimum and maximum amounts of power.

The Amendment is necessary because the present demands have decreased due to customer load reduction.

Copies of this filing were served upon The Butler Rural Electric Cooperative Association, Inc.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17029 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. SA81-40]

B. H. Keyes; Application for Staff Adjustment

June 3, 1981.

Take notice that on May 4, 1981, B. H. Keyes filed with the Commission an application for an adjustment from the Commission's regulations pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 et seq., and § 1.41 of the Commission's Rules of Practice and Procedure.

The applicant seeks an adjustment from § 271.804(c) of the Commission's regulations, which provides that in seeking a well eligibility determination under section 108 of the NGPA, the application must be based on a 90-day production period which falls entirely within the 180 days preceding the date the application was filed.

In support of his request, the applicant has stated the following facts. B. H. Keyes operates the Yockey No. 2 Well located in San Juan County, New Mexico. The well was completed for production in 1958, and produced into El Paso Natural Gas Company's gathering system from 1959 until December 1975. In December, 1975, the well stopped producing gas in measurable amounts and was disconnected from the pipeline on June 28, 1978. Several attempts were made prior to disconnection to cause production from the well by pressure build-up, but still no production was measured. Because the well was disconnected in June of 1978, the applicant asserts that it was not capable of production during the 180 days preceding the application, as would be required by § 271.804(c). Accordingly, the applicant requests that he be allowed to use a 90-day production period which falls within the last 180 days during which the well produced into the pipeline, in 1975.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's regulations.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with § 1.41(e) of the Commission's regulations. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17023 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-27-000]

Koppers Co., Inc.; Application for Commission Certification of Qualifying Status as a Cogeneration Facility

June 4, 1981.

On May 11, 1981, the Koppers Company, Inc., of Pittsburgh, Pennsylvania, filed with the Federal Energy Regulatory Commission (Commission) a complete application to be certified as a qualifying cogeneration facility.

The facility will be a topping-cycle cogeneration facility located at Tie Plant, Mississippi. The primary energy source of the facility is wood waste from

the plant and nearby sawmills. No oil or natural gas will be used. Projected power generation is in the range from 500 to 750 kilowatts with extraction steam for processing in the range from 11,000 lb/hr. (out of 20,000 lb/hr.) to 6,000 lb/yr. (out of 20,000 lb/yr.). No electric utility, electric utility holding company or any combination thereof has more than a 50 percent ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before July 9, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17050 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA81-52-000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. section 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a

participant in the Commission proceeding, must file a petition to intervene on June 18, 1981, accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17055 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-54-000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. Section 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel,

Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17056 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-53-000]

Laketon Asphalt Refining, Inc.; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc. on May 22, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room

1000, 825 North Capitol St., NE, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17057 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-256-000]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

June 3, 1981.

Take notice that on May 4, 1981, Louisiana Intrastate Gas Corporation (LIG), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-256-000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

LIG states that it has entered into a transportation agreement with Southern, dated February 10, 1981, whereby it would provide a transportation service for Southern for a two-year period. It is further stated that under the agreement, LIG is to accept gas from Southern for its account at specified points of interconnection and redeliver thermally equivalent volumes to Southern less gas consumed as compressor fuel, company use and unaccounted for gas.

LIG says that the transportation service would be provided for a fee of 20.0 cents for each million Btu redelivered by LIG to Southern. Further, LIG states that the gas to be transported hereunder is owned by Southern and that Southern is receiving such natural gas into its own facilities through a further transportation arrangement with Sugar Bowl Gas Corporation and that such gas is for Southern's system supply for resale.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Kenneth P. Plumb,
Secretary.

[FR Doc. 81-17067 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-474-000]

Metropolitan Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 21, 1981, Metropolitan Edison Company (ME), on behalf of the signatories to the Susquehanna-Eastern 500 kV Transmission System Agreement (S-E Agreement) filed new Schedules 11.01 and 12.01 supplementing the S-E Agreement which is on file with the Commission, to become effective on March 23, 1981. ME states that the parties to this agreement are:

Atlantic City Electric Company
Delmarva Power & Light Company
Metropolitan Edison Company
Pennsylvania Power & Light Company
Philadelphia Electric Company
Public Service Electric & Gas Company
UGI Corporation

ME states that all of the parties to the S-E Agreement have approved the new Schedules and the filing by ME.

ME states that the new schedules set forth methods and procedures for determining use, use entitlements, and charges for use of the S-E Transmission System for uses other than those specified in Section 3.1 of the S-E Agreement, by either signatories or non-signatories; and for allocating payments among the signatories. There is no provision for any change in the monthly rate for excess of investment responsibility previously filed.

ME states that this filing has been sent to the Regulatory Commissions of Pennsylvania, New Jersey, Maryland, Delaware and Virginia for their information.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17030 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-17-000]

Midwestern Gas Transmission Co.; Informal Conference

June 1, 1981.

Take notice that a prehearing settlement conference in the above-referenced docket will be held on Tuesday, June 9, 1981, at 10:00 a.m., in a room to be designated that day at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17068 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3739-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

June 1, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r)] for proposed Project No. 3739 to be known as Calamus Dam Hydroelectric Project located at the United States Water and Power Resources Service's Calamus Dam on the Calamus River, in Loup County, near Burwell, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize a United States Water and Power Resources Service's dam. Project No. 3739 would consist of: (1) a proposed powerhouse located just below the dam near the river outlet works, and having an estimated generating capacity of 1.6 MW; (2) proposed transmission lines; and (3)

appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 4,205,000 kWh.

Purpose of Project—Applicant plans to sell the generated output of energy to the Nebraska Public Power District or other local utilities.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a 36 month time period. Within the 36 month time period, the Applicant intends to conduct engineering, environmental, and legal examinations. The total cost of the proposed examinations is \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 10, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 9, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and

Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 10, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3739. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17015 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-488-000]

Montana Power Co.; Filing

June 4, 1981.

The filing company submits the following:

Take notice that The Montana Power Company (Montana) on May 26, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Puget Sound Power & Light Company (Puget). Montana states that this Letter

Agreement provides for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$552,200.00 based upon energy delivered from September 3, 1980 through September 30, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 3, 1980, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Puget. Montana states this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17052 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-487-000]

Montana Power Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that The Montana Power Company (Montana) on May 26, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with the Southern California Edison Company (Edison). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by \$3,655,359.09, based upon energy delivered from September 15, 1980 through December 30, 1980. Montana

states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of September 15, 1980, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of an Agreement for the sale of firm energy between Montana and Edison. Montana states that this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17031 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. QF81-23-000]

New England Alternate Fuels, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 4, 1981.

On May 6, 1981, New England Alternate Fuels, Inc., of Brattleboro, Vermont, filed with the Federal Energy Regulatory Commission (Commission) a completed application of be certified as a qualifying small power production facility pursuant to section 292.207 of the Commission's rules.

The facility will be a small power production unit when a hourly output of approximately 2.5 megawatts. The facility will consist of a processing stage which will prepare fuel from railroad ties, pallets, dry sawdust, light industrial and municipal waste fraction and miscellaneous other combustible waste materials. The primary energy source of the facility will be waste. Power production will be accomplished through the use of a steam turbine driven generator. No electric utility, electric utility holding company or any combination thereof will have any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17053 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA81-58-000]

Newhall Refining Co., Inc; Filing of Petition for Review

June 3, 1981.

Take notice that Hobart Corporation Inc., on May 20, 1981, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before June 18, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before June 18, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John

McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17059 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-481-000]

Niagara Mohawk Power Corp.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 26, 1981, tendered for filing as a rate schedule, an agreement between Niagara and Long Island Lighting Co. (LILCO) dated August 28, 1980.

Niagara presently has on file an agreement with LILCO dated February 14, 1975 and amended April 12, 1977. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 91 with Supplement 1. The new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting Fitzpatrick power and energy from the Power Authority of the State of New York to Long Island as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of the filing were served upon Long Island Lighting Company and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17032 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-493-000]

Northern States Power Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that Northern States Power Company, on May 26, 1981 tendered for filing the Municipal Transmission Service Agreement, dated April 30, 1981, with the City of St. James.

Northern States agrees to provide transmission service to the City of St. James to deliver the City's purchase of both WAPA power and energy and power and energy purchases from an Alternative Supplier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17033 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[GP81-31-000]

P and S Oil and Gas Corp.; Petition to Vacate Final Well Category Determination and Request for Withdrawal

Issued: June 3, 1981.

In the matter of State of West Virginia Section 108 NGPA Determination P & S Oil and Gas Corporation Dickerson Well No. 7 JD No. 80-15958.

On March 23, 1981, the West Virginia Department of Mines, Office of Oil and Gas (West Virginia) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit withdrawal of the final well

category determination for the P&S Oil and Gas Corporation (P&S) Dickerson Well No. 7 pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. Sections 3301-3432 (Supp. II 1978). West Virginia made an affirmative determination that the subject well qualifies as a stripper well under section 108 of the NGPA and that the determination became final on April 14, 1980, 45 days after the Commission received notice pursuant to Section 275.202(a) of the Commission's regulations.

Subsequent to the time that the determination became final, the Commission staff conducted an audit of P&S's stripper well filings. Staff found that the Dickerson Well No. 7, of three wells connected by one meter, has been plugged prior to filing and does not meet section 108 standards. The other two wells continue to qualify. As a result of this audit, P&S requested that West Virginia withdraw its final well category determination. West Virginia forwarded that request to the Commission.

Any person desiring to be heard or to protest this petition should on or before July 9, 1981 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17037 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. SA81-29-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 20, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural

gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Northern Natural Gas Company purchases the gas produced from the Jeffs Nos. 1 and 2 wells located in Reagan County, Texas and operated by Phillips. Phillips states that it filed for and received affirmative section 108 stripper well determinations from the appropriate jurisdictional agency. Phillips further states that the Commission acknowledged receipt of the well category determinations in the **Federal Register** and that the determinations became final on January 16, 1981 and March 16, 1981, respectively. Because of clerical oversight, however, Phillips claims that it failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination.

Phillips states that it has incurred a loss of approximately \$9,580 through April 22, 1981, as a result of its failure to make the timely rate change filing. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on January 16, 1981 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17069 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. SA81-30-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 24, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and

Procedures. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulation, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 102(d) gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Transcontinental Gas Pipe Line Corporation purchases the gas produced from the OCSA-33S #18-D, OCS-33 #8, and the OCS-0333 #8-B wells. Phillips owns a nonoperating interest in these wells, which are operated by the Kerr-McGee Corporation (Kerr-McGee). Kerr-McGee filed for and received affirmative section 102(d) determinations from the United States Geological Survey. Phillips states that the Commission acknowledged receipt of the well category determinations in the **Federal Register** and that the determinations become final after 45 days. Phillips states that as a non-operating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determinations made with respect to the wells in question, and consequently failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips states that it has incurred a loss of approximately \$109,508 through March 31, 1981. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on January 4, 1980 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17070 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. SA81-32-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on May 4, 1981,

Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 stripper well gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Cities Service Gas Company purchases the gas produced from the Eakins #1 well. Phillips owns a nonoperating interest in the well, which is operated by the Texas Oil & Gas Company (TXO). TXO filed for and received an affirmative section 108 determination from the appropriate jurisdictional agency. Phillips states that the Commission acknowledged receipt of the well category determination in the **Federal Register** and that the determination became final after 45 days. Phillips states that a nonoperating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determination made with respect to the wells in question and, consequently failed to make the rate change filing required by § 14.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips states that it has incurred a loss of approximately \$2,370 through April 22, 1981. Such loss will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on March 5, 1981, as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17071 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-33-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 20, 1981, Phillips Petroleum Company (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Panhandle Eastern Pipeline Company purchases the gas produced from the Thoreson No. 1 well, located in Texas County, Oklahoma. Phillips owns a nonoperating interest in the well, which is operated by the Ferguson Oil Company. (Ferguson). Ferguson filed for and received an affirmative section 108 determination from the appropriate jurisdictional agency. Phillips states that the Commission acknowledged receipt of the well category determination in the **Federal Register** and that the determination became final after 45 days. Phillips states that as a nonoperating working interest owner, its name did not appear in the notices published in the **Federal Register**. As a result, Phillips claims it only recently learned of the well determination made with respect to the wells in question, and consequently failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination. Phillips claims that it will incur a substantial loss which will allegedly continue until the current rate change filing is effective. Phillips, therefore, requests that the rate change filing attached to its application be accepted to become effective on February 12, 1980, as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to

intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17072 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-28-000]

Phillips Petroleum Co.; Application for Staff Adjustment Pursuant to Section 502(c) of the NGPA

June 2, 1981.

Take notice that on April 24, 1981, Phillips Petroleum (Phillips) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and § 1.41 of the Commission's Rules of Practice and Procedure. Phillips seeks a waiver of § 154.94(h)(2)(iii) of the Commission's regulations, wherein sellers of natural gas are required to file a rate change for gas production qualifying as NGPA section 108 gas within the thirty days after the well category determination becomes final.

Specifically, Phillips states that the Tennessee Gas Pipeline Company purchases the gas produced from the Poole No. 1 well, located in Wharton County, Texas and operated by Phillips. Phillips states that it filed for and received an affirmative section 108 stripper well determination from the appropriate jurisdictional agency. Phillips further states that the Commission acknowledged receipt of the well category determination for the Poole No. 1 well became final on September 13, 1980. Because of clerical oversight, however, Phillips claims that it failed to make the rate change filing required by § 154.94(h)(2)(iii) within the thirty days of the date of final determination.

Phillips states that it has incurred a loss of approximately \$18,630 through March 31, 1981 as a result of its failure to make the timely rate change filing. Such loss will allegedly continue until the current rate change filing attached to its application be accepted to become effective on September 13, 1980 as though timely filed.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (44 FR 18961, March 30, 1979) as amended.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to

intervene must be filed on or before June 24, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17073 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-19-001]

Resource Recovery (Dade County), Inc.; Request for a Declaratory Order

June 3, 1981.

On May 7, 1981, Florida Power and Light Company (FP&L) filed with the Federal Energy Regulatory Commission (Commission) a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules.

On March 13, 1981, Resource Recovery (Dade County), Inc. (RRD), filed a Notice of Qualification as a Small Power Production Facility in Docket No. QF81-19-000 pursuant to section 292.207(a) of the Commission's rules.

FP&L requests the Commission to issue a declaratory order contradicting RRD's Notice that it is a qualifying small power production facility. FP&L's petition is based on three assertions. First, FP&L asserts that RRD repudiated a purchase contract with Dade County, in order to exploit the Commission's regulations and gain windfall revenues. Thus, FP&L argues that the facility is not a qualifying small power production facility because of the contractual relationships among the parties.

Second, FP&L asserts that the public interests requires that the Commission not permit RRD to classify itself as a qualifying small power production facility. This claim is also based on the contractual relationship of the parties and the assertion that qualifying status is not necessary to encourage small power production in this instance.

Finally, FP&L contests RRD's Notice of Qualifying Status as a Small Power Production Facility on the grounds that RRD does not have standing to give such notice because it does not have legal title to the facility.

Any person desiring to be heard on this matter should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with section 1.8 of the Commission's rules. All such petitions must be filed on or before July 9, 1981 and must be served on the Applicant. Copies of this filing are on

file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17034 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-484-000]

Southern California Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 26, 1981, Southern California Edison Company (Edison) tendered for filing a Letter Agreement with Eugene Water & Electric Board (EWEB) which sets forth the terms and conditions for the purchase and/or storage and return energy between EWEB and Edison.

Edison requests waiver of the Commission's prior notice requirements and an effective date of November 7, 1980 for this agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California, and Eugene Water and Electric Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17035 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-485-000]

Southern California Edison Co.; Filing

June 4, 1981.

The filing Company submits the following:

Take notice that on May 26, 1981, Southern California Edison Company (Edison) tendered for filing rate schedules in the following Agreements which have been executed by Edison

and Arizona Electric Power Cooperative, Inc. (AEPSCO).

1. Edison-AEPSCO Firm Transmission Service Agreement

2. Edison-AEPSCO Load Control Agreement

3. Agreement for Emergency Services

The Agreements set forth the terms and conditions under which (i) Edison will make firm transmission service available to AEPSCO from Mead Substation in Southeastern Nevada to Mountain Center Substation near Palm Springs, California, (ii) the electrical capacity and energy requirements of Anza Electric Cooperative, Inc. will be integrated and dispatched by AEPSCO, and (iii) reciprocal emergency service between Edison and AEPSCO will be made available.

Edison requests waiver of the Commission's prior notice requirement and an effective date no later than July 1, 1981 for these rate schedules.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Arizona Electric Power Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-17036 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-133-001, et al.]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 1, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 18, 1981, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Fourth Revised Sheet No. 11

Original Sheet No. 11A

The above sheets are being filed pursuant to Article II, Future Refunds, of the Stipulation and Agreement in Docket

No. RP80-133-001, *et al.*, approved by Commission order dated April 3, 1981. Article II provides specifically for the filing of the above tariff sheets which were attached to the Stipulation and Agreement as Exhibit A.

Pursuant to the requirements of the Stipulation and Agreement, the proposed effective date of the above tariff sheets is the effective date of the Stipulation and Agreement, which is May 3, 1981. In its order dated April 3, 1981, the Commission waived compliance with any of its regulations necessary to effectuate the provisions of the Stipulation and Agreement, which would include the May 3, 1981, effective date for the above tariff sheets.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interest state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17074 Filed 6-8-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-2-58-001 (PGA79-4)]

Texas Gas Pipe Line Corp.; Tariff Sheet Filing

June 1, 1981.

Take notice that on May 18, 1981, Texas Gas Pipe Line Corporation, pursuant to § 154.38 of the Commission Regulations under the Natural Gas Act, filed a fifth Revised Sheet No. 4a to its FERC Gas Tariff, Second Revised Volume No. 1. Texas Gas states that the filed Tariff Sheets relate to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment Provision contained in Section 12 and the Incremental Pricing Surcharge Provision contained in Section 13 of the General Terms and Conditions of the Tariff. More specifically, Fifth Revised Sheet No. 4a reflects a net increase under that

currently being collected to 25.30¢ per Mcf (at 14.65 psia) to be effective June 1, 1981.

Any person desiring to be heard and to make any protest with reference to said filing should on or before June 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the Commission's rule of practice and procedure (18 CFR 1.8, or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants parties to the proceeding. Persons wishing to become a parties to the proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's rules. Texas Gas' Tariff filing is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17075 Filed 6-8-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP77-108, *et al.*]

Transcontinental Gas Pipe Line Corporation, *et al.*; Filing of Pipeline Refund Reports and Refund Plans

June 1, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, on or before June 16, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
5/4/81	Transcontinental Gas Pipe Line Corporation.	RP77-108	Report.
5/13/81	Consolidated Gas Supply Corporation.	RP80-61-008.	Report.
5/14/81	Kansas-Nebraska Natural Gas Company, Inc.	RP74-11-001, <i>et al.</i>	Amended Report.
5/16/81	Tennessee Gas Pipeline Company.	RP81-44-002.	Report.

Appendix—Continued

Filing date	Company	Docket No.	Type filing
5/16/81	East Tennessee Natural Gas Company.	RP78-65-009.	Report.
5/16/81	East Tennessee Natural Gas Company.	RP78-65-010.	Report.
5/16/81	East Tennessee Natural Gas Company.	RP78-12-011 and RP78-65-011.	Report.
5/16/81	Florida Gas Transmission Company.	RP72-134-023.	Report.
5/16/81	Alabama-Tennessee Natural Gas Company.	RP73-77-015.	Report.
5/16/81	Alabama-Tennessee Natural Gas Company.	RP73-77-016.	Report.

[FR Doc. 81-17018 Filed 6-8-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1741-000]

James E. Tribble; Application

June 4, 1981.

The filing individual submits the following:

Take notice that the following application was filed by James E. Tribble on May 21, 1981, pursuant to Section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, viz:

President and Director—Yankee Atomic Electric Company
Vice President—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17049 Filed 6-8-81; 6:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-483-000]

Tucson Electric Power Co.; Filing

June 3, 1981.

The filing Company submits the following:

Take notice that Tucson Electric Power Company ("Tucson") on May 26, 1981, tendered for filing "Contract for Economy Energy Brokerage Transactions and Transmissions Service" dated March 11, 1981, between Tucson and the United States of America, Department of Energy, Western Area Power Administration ("the United States"). The primary purpose of this Agreement is to provide for the terms and conditions relative to the brokering of economy energy and transmission service associated therewith between the electric systems of the parties.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Contract are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17038 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER79-121]

Utah Power & Light Co.; Filing

June 3, 1981.

Take notice that on May 13, 1981, the Utah Power & Light Company (UP&L), filed with the Commission a Refund Report applicable to the Mexican Hat Association for all amounts collected subject to refund under FERC Docket No. ER79-121 for the period September 11, 1979 to February 29, 1980, including interest.

Any person desiring to be heard or to protest said compliance filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in

accordance with Sections 1.8 and 1.18, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17060 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-60-000]

Valero Interstate Transmission Co; Order Accepting for Filing and Suspending Proposed Rate Schedules, Rejecting Proposed PGA Revisions, Initiating Hearing and Establishing Procedures

Issued: May 29, 1981.

On April 30, 1981, Valero Interstate Transmission Company¹ (VITCO) filed in Docket No. RP81-60-000 a notice of rate changes under its FERC Gas Rate Schedule Nos. 1, 2 and 14 and under its Transportation Rate Schedule No. T-1.² The proposed rate changes reflect an increase in VITCO's gathering charge from 23.69 cent/Mcf to 27.04 cent/Mcf, resulting in a dollar increase in jurisdictional revenues of \$2,430,687 annually. The proposed rate changes are based on a 12-month base period ending December 31, 1980, adjusted for known and measurable changes through the nine-months ending September 30, 1981. VITCO requests that the proposed rate changes be made effective, without suspension, on June 1, 1981.

VITCO states that the proposed rate increase is necessary to offset declining natural gas production from dedicated reserves, to increase rate of return and

¹ Valero Interstate Transmission Company (VITCO), a wholly-owned subsidiary of Valero Energy Corporation, is engaged in the gathering, transportation, and sale of natural gas produced from fields located in South Texas. VITCO sells gas to Transcontinental Gas Pipe Line Corporation, Natural Gas Pipeline Company of America and El Paso Natural Gas Company for interstate transportation and resale. Additionally, VITCO transports gas for certain producers to Mobil Oil Corporation's LaGloria Gas Processing Plant where liquids are extracted.

² The rate schedules subject to this rate filing include: FERC Gas Rate Schedules No. 1, Supplement No. 32; No. 2, Supplement No. 110; No. 14, Supplement No. 2 and Transportation Rate Schedule T-1, the tariff for service under certification issued in Docket No. CP79-458.

to recover increases in virtually all components of its cost of service. VITCO claims a need for a 13.66 percent overall rate of return yielding 18.00 percent return on common equity on VITCO's capitalization, 62.5 percent of which is common equity capital. Included in cost of service are an increased depreciation rate, increased operation and maintenance expenses, changed volumes and related gas supply expenses and treatment of transportation of liquids and liquefiables. Additionally, VITCO's filed cost of service contains a "provision for attrition allowance" of \$197,800 to 1.69% of its claimed rate base. No explanation of this proposed allowance is provided in the filing.

In addition to the general rate increase filing, VITCO has filed for purchased gas cost adjustments under the provisions of its PGA clause in Docket No. TA81-2-56-000.³ If the general rate increase, which also embodies a purchases gas adjustment, is suspended, VITCO then requests that the PGA increase be considered as a separate filing. Since, as set forth below, the general rate increase is being suspended for five months, the proposed purchased gas cost adjustment will be considered as a separate filing.

In conjunction with the general rate increase, VITCO has proposed to modify its PGA clause to reflect natural gas lost and unaccounted for and company-used gas. VITCO also proposes to include a provision to permit the recovery of costs incurred to transport off-system gas supplies to VITCO's system, as provided in the settlement agreement in Docket No. RP78-58.

Public notice of the filing was issued May 13, 1981, providing for protests or petitions to intervene to be filed on or before May 20, 1981. Petitions were filed by the parties listed in Appendix A. Having demonstrated an interest in this proceeding warranting their participation, the petitioners are granted intervention.

Based on a review of VITCO's general rate filing the Commission finds that the proposed rate changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we will accept the revised tariff sheets for filing, and suspend their effectiveness, subject to refund, and to the conditions set forth below.

³ The alternative rate schedules are designated FERC Gas Rate Schedules No. 1, Supplement No. 31; No. 2, Supplement No. 109; No. 14, Supplement No. 1.

In a number of suspension orders,⁴ the Commission has addressed the considerations underlying its policy regarding rate suspensions. For the reasons given there, we have concluded that rate filing should generally be suspended for the maximum period permitted by statute where the preliminary study leads the Commission to believe that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here with respect to the tariff sheets for the VITCO system. Accordingly, subject to the conditions specified below, we shall suspend the VITCO tariff sheets for a period of five months permitting such rates to become effective, subject to refund thereafter, on November 1, 1981.

VITCO's proposal to modify its PGA clause to include costs of gas lost and unaccounted for, company-used gas and transportation by others is prescribed by § 154.38(d)(3) of the regulations. Accordingly, we shall require VITCO to file revised tariff sheets reflecting elimination of these rate adjustment provisions. The proposed revisions will, however, be treated as a proposal under Section 154.52 of the regulations and be considered an issue in this proceeding for possible prospective application.

The Commission Orders

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the revised rates proposed by VITCO.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those described in the body of this order, VITCO's proposed rate changes under FERC Gas Rate Schedule No. 1, Supplement No. 32, FERC Gas Rate Schedule No. 2, Supplement No. 110, FERC Gas Rate Schedule No. 14, Supplement No. 2, and under FERC Transportation Rate Schedule No. T-1 are accepted for filing and suspended for five months until November 1, 1981, subject to refund, and subject to the conditions set forth below.

(C) On or before October 1, 1981, VITCO shall file revised tariff sheets reflecting elimination of the rate adjustment provisions discussed in the

body of the order. However, these proposals shall be an issue in this proceeding.

(D) Staff shall be required to serve top sheets on or before September 1, 1981.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service to top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(F) The petitions to intervene listed in Appendix A to this order shall be permitted to intervene in this proceeding subject to the Commission's Rules and Regulations; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set out in the petitions to intervene; and *Provided, Further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17076 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. TA81-2-52-002 (PGA81-2)]

Western Gas Interstate Co.; PGA Rate Adjustment (Revised)

June 1, 1981.

Take notice that on May 18, 1981, Western Gas Interstate Company ("Western") filed herein a revised Seventeenth Revised Sheet No. 3A to its FERC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective May 1, 1981.

The above described tariff sheet reflects a net decrease from those rates tendered for filing on March 31, 1981 of 9.47¢ per Mcf for Rate Schedule G-N, 2.55¢ per Mcf for Rate Schedule G-R, and 4.30¢ per Mcf for Rate Schedule G-S.

Western states that Commission's order dated May 4, 1981 conditionally accepted the PGA rate adjustment filed by Western on March 31, 1981, subject to the filing of revised rates within fifteen days of the issuance of said order to reflect the adjustments detailed in such order.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17004 Filed 6-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4537-000]

Wisconsin Public Power Inc. System; Application for Preliminary Permit

June 1, 1981

Take notice that Wisconsin Public Power Incorporated System (Applicant) filed on April 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4537 to be known as Mississippi River Lock and Dam No. 5A located on Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wisconsin Public Power Incorporated System, c/o Mr. Richard L. Olson, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing generating units having a total installed capacity of 5,962 kW; (2) proposed 69-kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 30,972 MWh.

⁴ E.g., Valley Gas Transmission, Inc., Docket No. RP80-98 (August 22, 1980) (one day suspension); Great Lakes Gas Transmission Company, Docket No. RP80-134 (September 24, 1980) (five month suspension).

Purpose of Project—Energy produced at the project would be marketed to the municipal members of the Applicant.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project, along with consulting Federal, State, and local agencies concerning the environmental effects of the project, in addition to preparing an FERC application for license. Applicant estimates the cost of the studies would be \$52,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3641 filed on November 3, 1980, under 18 CFR § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments

filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4537. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-17019 Filed 6-8-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 9G2211/T303; PH-FRL-1848-4]

American Cyanamid Co.; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary tolerance has been extended for the insecticide (±)cyano(3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity cottonseed at 0.1 part per million.

DATE: This temporary tolerance expires April 10, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM #2, 1921 Jefferson Davis

Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 12, 1980 (45 FR 53568) that American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, had submitted pesticide petition 9G2211 to the EPA requesting that a temporary tolerance be established for the insecticide (±)cyano(3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity cottonseed at 0.1 part per million.

American Cyanamid Co., has requested a one-year extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated, and it has been determined that extension of the temporary tolerance will protect the public health. The temporary tolerance is being extended on the condition that the pesticide be used with the following provisions:

1. The total amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. American Cyanamid Co. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 10, 1982. Residues remaining in or on the raw agricultural commodity after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance.

This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition,

the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612) the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: June 1, 1981.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17066 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-227; PH-FRL-1848-3]

Certain Pesticide Chemicals; Filing of Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide, food, and feed additive petitions for certain pesticides in or on certain raw agricultural commodities, food, and feed items.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-227]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The designated product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide

petition, food and feed additive petitions have been submitted to the agency to establish tolerances on certain raw agricultural commodities and food and feed additive regulations in or on certain food and feed items, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5288. FMC Corp., Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103, proposes that 21 CFR Part 193 be amended by establishing a food additive regulation permitting residues of the insecticide carbofuran [2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate], its carbamate metabolite, 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3, 7-benzofurandiols on raisins at 2.0 part per million (ppm). (PM 12, Jay S. Ellenberger, 703-557-7024.)

FAP 1H5288. FMC Corp., Agricultural Chemical Group, Philadelphia, PA 19103, proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation permitting residues of the insecticide carbofuran, [2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate], its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiols on raisin waste at 3.0 ppm and dried grape pomace at 2.0 ppm. (PM 12, Jay S. Ellenberger, 703-557-7024.)

PP 1F2495. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes to amend 40 CFR Part 180 be establishing tolerances for residues of the herbicide metolacher [2-chloro-N-2-ethyl-6-methylphenyl]-N-(2-methoxy-1-methylethyl)acetamide and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on raw agricultural commodity seed and pod vegetables at 0.3 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703-557-7070.)

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: May 28, 1981.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17067 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[PF-229, PH-FRL-1848-2]

Ciba-Geigy Corp.; Filing of Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that Ciba-Geigy Corp., has filed a pesticide petition and a feed additive petition for the combined residues of metalaxyl and its metabolites in or on certain raw agricultural commodities and feed items.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-229]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: EPA gives notice that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, has submitted a pesticide petition and a feed additive petition to the EPA proposing the establishment of tolerances and a feed additive regulation permitting the combined residues of the fungicide metalaxyl [N-2,6-dimethylphenyl]-N-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as methalaxyl in or on certain raw agricultural commodities and feed items, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

FAP 1H5299. Proposes that 21 CFR Part 561 be amended by establishing a feed additive regulation for the combined residues of the fungicide metalaxyl [N-2,6-dimethylphenyl]-N-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as methalaxyl in or on dry tomato pomace at 16 parts per million (ppm);

wet tomato pomace at 4 ppm; processed tomato products at 3 ppm; and soybean hulls at 1 ppm; soybean meal at 1 ppm; and soybean soapstock at 1 ppm.

PP 1F2500. Proposes that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, each expressed as metalaxyl in or on the following raw agricultural commodities: spinach at 10 ppm; soybean forage and fodder at 7 ppm; green onions at 5 ppm; wheat forage and straw at 2 ppm; tomatoes at 1 ppm; dry bulb onions at 1 ppm; kidney or cattle, goats, hogs, horses, poultry, and sheep at 1.0 ppm; broccoli at 0.6 ppm; cabbage at 0.6 ppm; cauliflower at 0.6 ppm; cucumbers, head lettuce, potatoes, and soybean grain at 0.5 ppm; melons at 0.3 ppm; liver of cattle, goats, hogs, horses, poultry, and sheep at 0.3 ppm; wheat grain at 0.2 ppm; cottonseed at 0.1 ppm; eggs and meat of poultry (excluding liver and kidney) at 0.05 ppm; meat, fat, and meat byproducts (excluding liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; and milk at 0.02 ppm. The proposed analytical method for determining residues is by gas chromatography with flame ionization detector or mass spectrometry.

[Sec. 409(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348)]

Dated: May 28, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-17088 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-50027A; TSH-FRL-1847-7]

2-Naphthalenamine; Removal From the TSCA Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA, in reviewing the chemical substances included on the Toxic Substances Control Act (TSCA) Inventory, has concluded that the chemical substance known as 2-naphthalenamine (Chemical Abstracts Service Registry Number 91-59-8) was incorrectly reported. A notice appeared in the Federal Register of February 6, 1981 (46 FR 11356) announcing EPA's intent to remove the substance from the Inventory. EPA has determined that there is no on-going manufacture, importation or processing of this

substance and the substance 2-naphthalenamine is considered to be not on the Inventory.

DATE: Effective on June 9, 1981.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. 511B, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: EPA announced in the Federal Register of February 6, 1981, its intent to remove from the TSCA Chemical Substances Inventory the chemical substance 2-naphthalenamine (Chemical Abstracts Service Registry Number 91-59-8) which is also known as 2-naphthylamine, *beta*-naphthylamine, *beta*-naphthalenamine, or 2-aminonaphthalene. This action was taken after an EPA investigation which indicated that the substance had originally been reported by only one firm, an importer, that later advised EPA that it had not imported the substance, i.e., the substance had been erroneously reported in place of a different substance. The investigation was initiated by EPA in response to a citizen's petition under section 21 of TSCA, requesting the Agency to take action to control the manufacture, importation or processing of 2-naphthalenamine which is a known human carcinogen.

In the February 6, 1981 Federal Register notice, EPA solicited public comment on its intent to remove 2-naphthalenamine from the TSCA Inventory. EPA was especially interested in receiving comments from those firms or persons who had manufactured, imported or processed the substance during the period of January 1, 1975 through February 6, 1981. During the 30-day comment period following the publication of the February 6, 1981 notice, the Agency received only one comment. The firm which submitted the comment did not identify itself as a manufacturer, importer or processor of 2-naphthalenamine, and did not express concern with the Agency's announced intent to remove the substance from the Inventory. The company did comment on the general procedures that the Agency should use to remove substances from the Inventory. The Agency is considering general policies and procedures for removal of substances from the Inventory. Those policies and procedures will be published in the future and comments such as those made by the company will

be considered in establishing the policies and procedures.

With respect to 2-naphthalenamine, EPA has concluded that (1) the original Inventory report was incorrectly submitted, i.e., there was no manufacture or importation of this substance between January 1, 1975 and December 31, 1977, and (2) there has been no on-going manufacture, importation or processing of this substance since January 1, 1978.

Accordingly, with the publication of this notice of disposition, the substance known as 2-naphthalenamine is considered to be not on the TSCA Inventory—the presence of its name and synonyms in previously published versions of the Inventory notwithstanding. Effective with the publication of this notice, any person who intends to manufacture, import or process 2-naphthalenamine must comply with the premanufacture notification requirements under section 5 of TSCA.

Dated: June 1, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-17089 Filed 6-8-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-4-MS-1]

Mississippi Radiological Emergency Response Plan for Plant Grand Gulf

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Mississippi has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on Mississippi and include those of local governments near the Mississippi Power and Light company's Grand Gulf Nuclear Station located in Claiborne County, Mississippi.

DATE PLANS RECEIVED: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harris M. Pope, Acting Regional Director, FEMA Region IV, 1375 Peachtree Street, NE., Atlanta, Georgia 30309, (404) 881-2400 or (912) 226-1761.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Mississippi was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Grand Gulf Nuclear Station, plans are included for Claiborne County.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 585 pages in the document; reproduction fees are \$.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Harris M. Pope, Acting Regional Director, at the above address on or before July 9, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in The Vicksburg Evening Post and the Clarion Ledger at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Harris M. Pope,
Acting Regional Director,
May 27, 1981.

[FR Doc. 81-16964 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-01-M

[FEMA 640-DR]**Montana; Major Disaster and Related Determinations**

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Montana (FEMA-640-DR), dated May 27, 1981, and related determinations.

DATED: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Response

and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7800.

Notice

Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of May 27, 1981, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Montana resulting from severe storms and flooding beginning on or about May 19, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. John D. Swanson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Montana to have been affected adversely by this declared major disaster:

For Individual Assistance and Public Assistance the Counties of:

Broadwater	Lewis and Clark
Cascade	Meagher
Gallatin	Missoula
Granite	Powell
Jefferson	Silver Bow

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance)

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-16965 Filed 6-8-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-123]

First Federal Savings and Loan Association of Front Royal; Approval of Post-Approval Amendment of Conversion Application; Notice of Final Action

Notice is hereby given that on May 26, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of First Federal Savings and Loan Association of Front Royal, Front Royal, Virginia ("Association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than \$663,000 nor more than \$897,000. The conversion application of the Association was approved on March 13, 1981, by Board Resolution 81-148, which Resolution required that the conversion stock be sold for an aggregate price within a range from \$780,000 to \$1,040,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW., 10th Floor, Atlanta, Georgia 30303.

Dated: June 2, 1981.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-16990 Filed 6-8-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION**Barber-Blue Sea Line/East Asiatic Company Limited Sailing Agreement; Cancellation**

Filing Party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement No. 10272.

Summary: On June 1, 1981, the Commission received notice of the termination of the participation of Barber-Blue Sea Line and The East Asiatic Company Limited in Agreement No. 10272. The agreement will be cancelled effective July 1, 1981, as set forth in the parties' notice to the Commission.

Dated: June 3, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-16961 Filed 6-8-81; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operators to the detriment of the commerce of the United States, or is in violation of the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3900-1.

Filing party: Mr. David Ainsworth, Assistant General Counsel, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Summary: Agreement No. T-3900-1, between Encinal Terminals (Encinal) and Eagle Services, Ltd. (Eagle),

modifies the basic agreement between the parties which provides for the lease of a container crane and the area at Encinal Terminals which are used as a container facility at Alameda, California. The purpose of the modification is to amend certain provisions of the lease pertaining to the extent and time of completion of certain improvements to be constructed by Encinal Terminals, and for liquidated damages for delay, other specified contingencies related thereto, and the addition to and withdrawal of certain parcels from the terminal premises at the option of Encinal. Agreement No. T-3900-1 also amends the provisions of the lease on an interim basis for five years. These provide for an increase in the minimum rental obligation of Eagle and for other revisions of the compensation arrangements applicable to prospective preferential and secondary users of the leased premises. The interim amendments provide for Eagle to pay future increases in real property taxes on the leased premises. The agreement will become effective on the first day of the first month following approval by the Commission. Eagle has the option of terminating the lease amendments prior to the end of the five-year period. Upon termination the permanent lease shall again become effective. Except as provided, the terms and conditions of the basic agreement will remain in effect.

Agreement No. T-3975.

Filing party: Timothy Trushel, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T-3975, between the Port of Longview (Port) and Continental Grain Company (Continental), provides for the lease by Port to Continental of certain premises in the Port of Longview, Washington, for use as a public marine terminal for handling, storing and shipping bulk commodities. As compensation, Continental will pay Port a monthly rental based on tonnage of cargo handled and prevailing local wharfage rates, with an annual minimum rental of \$100,000. The term of the lease is for five years, with two additional five-year renewal options.

Agreement No. 2744-45.

Filing party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 21 West Street, New York, New York 10006.

Summary: Agreement No. 2744-45 would modify the Atlantic and Gulf/West Coast of South America Conference's basic agreement to provide that, (1) the members may agree upon the amount of brokerage and compensation payable to freight forwarders and the conditions of

payment pursuant to applicable law and as set forth in the Conference tariffs; (2) notice of cancellation of a meeting shall be given at least one business day prior to a meeting; and (3) a vote of two-thirds of the members present is required to alter the amounts of brokerage or compensation payable to freight forwarders and the conditions of its payment.

Agreement No. 5660-31.

Filing party: Marc J. Fink, Esq., Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 5660-31, entered into by the member lines of the Marseilles/North Atlantic U.S.A. Freight Conference, would amend the scope of the basic agreement to include inland points in the United States.

Agreement No. 9355-9.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 9355-9 modifies the Atlantic & Gulf American-Flag Berth Operators Agreement to provide that future modifications thereto may be filed by the Agreement Secretary or Legal Counsel on behalf of the member lines and when so directed by them.

Agreement No. 9988-12.

Filing party: Howard A. Levy, Ms. Patricia E. Byrne, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9988-12 modifies the basic agreement of the Continental-U.S. Gulf Freight Association by authorizing the Conference Chairman, Secretary or Counsel to execute agreement modifications on behalf of conference members.

Agreement No. 10051-5.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10051-5, among the parties to the Mediterranean Force Majeure Agreement, amends that agreement to provide for the filing of future modifications by the Agreement Coordinator or Agreement Counsel on behalf of the member lines and at their direction.

Agreement No. 10118-6.

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10118-6, among the members of the Atlantic Steamship Energy Conservation Agreement, modifies Article VII of the Agreement to allow that future amendments agreed upon by the parties may be executed by the Agreement

Coordinator, on behalf of the parties and at their direction.

Agreement No. 10421.

Filing party: Gary R. Edwards, Esquire, Ragan & Mason, 900 Seventeenth Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10421 is a Cooperative Working Agreement between Pan American Mail Line (PAML) and Linea Naviera Panatlantica, S.A. (LINAPA) which provides that each party will appoint Chester, Blackburn & Roder, Inc., as general agent for the performance of all management functions necessary for the operations of its ocean liner freight services in the foreign commerce of the United States.

PAML and LINAPA will each operate its liner freight service under the trade name of "Pan Atlantic Lines." Each carrier will issue its own bills of lading and will file and maintain its own tariffs, indicating that it is doing business as Pan Atlantic Lines.

The term of the agreement is without fixed limit.

By order of the Federal Maritime Commission.

Dated: June 3, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-10991 Filed 6-8-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

"Tar", Nicotine and Carbon Monoxide Content of the Smoke of 187 Varieties of Cigarettes; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects a Commission document previously published in the *Federal Register* on Thursday, May 28, 1981. The table of "Tar", Nicotine and Carbon Monoxide Content of One-Hundred Eighty Seven (187) Varieties of Domestic Cigarettes contained two typographical errors.

DATE: These corrections are effective on June 9, 1981.

FOR FURTHER INFORMATION CONTACT:

Gregory E. Hales, FTC-SSR, Washington, D.C. 20580, (202) 724-1185.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-15726, appearing in the *Federal Register* issue for Thursday, May 28, 1981, 46 FR 28747, in the table on page 28749, the following corrections should be made:

The fourth line from the top should read:

Brand	Type
Arctic Lights	King size, filter, menthol.

The ninth line from the bottom should read:

Brand	Type	Tar
Golden Lights 100's	100mm, filter	8

Carol M. Thomas,
Secretary.

[FR Doc. 81-10995 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Roxboro Investments Ltd. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Clarion Capital Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Roxboro. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17080 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Chris-Craft Industries Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Twentieth Century-Fox Film Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Twentieth Century. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17081 Filed 6-8-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Fluor Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with St. Joe Minerals Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Fluor Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17082 Filed 6-9-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mallory-Savoy Joint Venture Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of Tyco Industries Inc. and all voting securities of Tyco Hong Kong Ltd. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in

response to a request for early termination submitted by all parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17083 Filed 6-9-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Clifford S. Perlman is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Caesars World Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-17084 Filed 6-9-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office.

DATE: The meeting will be held at 9 a.m., Thursday, June 25, 1981.

ADDRESS: The meeting will be held at the William H. Green Bldg., Rm. 3306-3310, 6th and Arch Sts., Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Theresa A. Young, Consumer Affairs Technician, Food and Drug Administration, 2d and Chestnut St., Philadelphia, PA 19106, 215-597-0837.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 1, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-16823 Filed 6-6-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81D-0150]

Investigation of Drugs in Humans; Availability of Clinical Guidelines**AGENCY:** Food and Drug Administration.**ACTION:** Notice

SUMMARY: The Food and Drug Administration (FDA) announces the availability of clinical guidelines entitled "Guidelines for the Clinical Evaluation of Antineoplastic Drugs." The guidelines are intended to inform interested persons of what the agency's Bureau of Drugs (the Bureau) views as acceptable procedures and standards for conducting clinical investigations for this class of drugs.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Bureau of Drugs (HFD-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: FDA is making available guidelines on the investigation of drugs in humans. The guidelines have been prepared by the Bureau of Drugs with assistance from FDA scientific advisory committees and other consultants to the agency. The guidelines contain current acceptable approaches to the study of a specific class of investigational drugs in humans.

This notice is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although these guidelines are not a legal requirement, a person may be assured that in following an agency guideline(s) the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline(s). A person who chooses to use procedures or standards not in the guideline(s) may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable.

The guidelines document subject to this notice is as follows:

HHS (FDA) No.	Guideline title	GPO stock No.	Cost
81-2112	Guidelines for the Clinical Evaluation of Antineoplastic Drugs	017-012-00294-3	\$1.50

Copies of these guidelines can be bought from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington DC 20402, at the cost listed above for the document. Orders for copies must include the GPO stock number which is also listed.

Interested persons may submit written comments on these guidelines to the Dockets Management Branch (HFA-305), Food and Drug Administration (address above). Such comments will be considered in determining whether further amendments to, or revisions of, the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies), identified with the docket number found in brackets in the heading of this document. The guidelines document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 29, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-16625 Filed 6-9-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81F-0157]

Ralston Purina Co; Selenium**AGENCY:** Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Ralston Purina Co. has filed a petition proposing that the regulations be amended to provide for the safe use of selenium in prestarter and starter rations for swine at a level not to exceed 0.3 part per million in complete feed.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act [sec. 409(b)(5), 72 Stat. 1788 (21 U.S.C. 348(b)(5))], notice is given that a food additive petition (FAP-2185) has been filed by the Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of 0.3 part per million

selenium as a nutrient in prestarter and starter rations for swine.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 1, 1981.

Gerald B. Guest,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-16624 Filed 6-9-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81N-0131]

Chest X-Ray Referral Criteria Panel Draft Report; Availability**AGENCY:** Food and Drug Administration.
ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a draft report, "Chest X-Ray Referral Criteria Panel Draft Report, No. 1: Selected Screening Uses of the Chest X-Ray Examination" developed by a panel of physicians on the utility of selected chest x-ray screening examinations. This notice also describes FDA's planned procedures to facilitate the development and testing of referral criteria for medical radiological examinations.

DATE: Comments by September 8, 1981.

ADDRESSES: Requests for single copies of the draft report should be made in writing to the Bureau of Radiological Health (HFV-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jay A. Rachlin, Bureau of Radiological Health (HFV-76), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4600.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health, FDA conducts and supports research and training to minimize unproductive radiation exposure from diagnostic radiological examinations (including nuclear medicine procedures). One possible source of unproductive

radiation exposure is radiological examinations that are not likely to affect patient management. To minimize requests for ineffective examinations, a referring physician needs up-to-date information about when a given radiological study is likely to provide needed diagnostic data. This information can take the form of decision guidelines based on patient signs, symptoms, or history and is commonly known as "referral criteria."

To assist in making this type of information available, FDA is facilitating the development, testing, and use of referral criteria for diagnostic radiological procedures. The agency believes that such information about the utility of radiological procedures can (1) assist physicians in using limited health-care and diagnostic radiological resources more effectively, and (2) help minimize unnecessary radiation exposure to the population.

Chest X-Ray Referral Criteria Panel Report

In its role as a facilitator, FDA has provided logistical support to a panel of physician experts in chest radiography to review the uses of chest x-ray examinations and to develop recommendations to help minimize unnecessary radiation exposure associated with chest x-ray examinations. The Chest X-Ray Referral Criteria Panel has prepared a draft report, "Selected Screening Uses of the Chest X-Ray Examination," which the agency is making available for comment.

The principal task of the panel has been critical assessment of the efficacy of chest x-ray screening examinations, many of which are performed in the absence of other medical evaluation such as clinical history, physical examination, or other diagnostic tests. An extensive review of the literature indicated an extremely low yield, from current practices, both of previously undiagnosed disease and of resulting patient benefit.

Because of the varied use of the chest x-ray examination, the panel established a number of working groups to examine separately the different screening applications of the chest x-ray examination. This first panel report examines and contains draft referral criteria statements for five of these applications: mandated routine screening examinations, routine prenatal examinations, routine hospital admission examinations, examinations for tuberculosis detection and control, and routine examinations in occupational medicine. The report also includes a general preamble to referral criteria for chest x-ray examinations, a

list of the panel members, and an FDA annotated bibliography of the medical literature which formed the scientific basis for the referral criteria statements.

Additional reports of the Chest X-Ray Referral Criteria Panel may be developed later. A notice of availability of any such report will be published in the *Federal Register* when the report becomes available.

Background

During hearings held in July 1978, by a subcommittee of the House of Representatives on the issue of Health effects from exposure to low-level ionizing radiation, including medical and dental radiation, several physicians described their efforts to reduce possible overutilization of x-ray examinations by establishing and testing referral criteria. The subcommittee became convinced that physicians' use of referral criteria could lead to the best use of radiological resources and, at the same time, reduce radiation exposure.

The National Conference on Referral Criteria for X-Ray Examinations (Ref. 1) was subsequently convened on October 25-27, 1978, in Washington, D.C. (see the *Federal Register* of October 6, 1978; 43 FR 46376). It provided a forum for the exchange of ideas and for the discussion of current medical x-ray referral criteria projects. Participants included individual clinicians, representatives of health-related government agencies, and State health departments, various medical specialists, insurance company representatives, lawyers, and consumers. The National Conference also provided participants an opportunity to discuss the causes of medical x-ray overutilization.

Workshop sessions were held to address specific issues and to formulate plans whereby the government and the private sector could work together to provide solutions. One workshop developed several recommendations concerning the benefits and use of referral criteria. These recommendations, endorsed by the National Conference participants, are summarized as follows:

1. Referral criteria could help to make the best use of x-ray examinations in medical practice and would result in lower radiation exposure to the public and more efficient utilization of limited radiological resources.

2. Referral criteria should be developed by members of the medical profession with the government acting as a facilitator. Small panels of experts representing various relevant medical and scientific disciplines should be

convened to evaluate the literature and draft referral criteria.

3. Referral criteria should be developed on sound scientific bases and thoroughly tested in diverse clinical settings.

4. Ways should be provided for changing referral criteria when medical practices and perceptions change.

5. Radiologists should have a central role in the development of referral criteria for diagnostic x-ray examinations.

6. Referral criteria need to be voluntary so that physicians can adjust their referral decisions to unique patient circumstances and to changing medical knowledge and practices.

The agency agrees with the recommendations of National Conference participants and intends to participate by acting as a facilitator in the development, dissemination, and evaluation of referral criteria.

Method of Development

Determining with reasonable certainty whether or not a particular radiological examination will provide needed diagnostic information under particular circumstances usually can be accomplished only after considerable clinical evidence has been accumulated on many patients. In addition, even if a determination of efficacy is made in one clinical setting, the results may not be directly applicable in others. Therefore, FDA proposes that referral criteria be developed on the basis of the soundest possible science after the widest professional and public participation. The agency believes that the following strategy embodies these principles:

1. FDA intends to support, through contracts and grants, research on the utility of various diagnostic examinations, to aid in establishing scientific bases for referral criteria.

2. FDA will provide logistical support through a contractor for the convening of small panels of clinical and scientific experts to formulate draft referral criteria or statements on use for various diagnostic radiological examinations. This support will be based on FDA assessment of the literature, research results, advice from its Medical Radiation Advisory Committee, and recommendations from scientific and professional organizations. The agency will make the following available to the public through notices of availability published in the *Federal Register*: (1) reports of panel deliberations; (2) draft referral criteria or other efficacy information developed by the panels; (3) background; and (4) rationale for the criteria. Notices advertising these

reports and soliciting comments will also be published in the bulletins of relevant cooperating professional, scientific, and government organizations.

3. Consistent with the recommendation of National Conference participants that radiologists should have a central role in the development of referral criteria, the American College of Radiology (ACR), through its Radiation Advisory Committee, has volunteered to coordinate the professional review of draft referral criteria. ACR will distribute draft referral criteria for review to appropriate professional societies and will assemble and submit to FDA received comments. FDA, in turn, will send these comments, together with comments from other sources, such as individuals corresponding directly with the agency, to the referral criteria panels for their consideration.

4. FDA will endeavor to support clinical trials and demonstration projects if they appear advisable. According to agency policy, the study design of any such clinical trial or demonstration project will be reviewed, with particular emphasis on protection afforded human subjects.

5. The results of any clinical trials, together with review comments and other relevant material, will be referred back to the panel for development of a revised referral criteria report. FDA will announce the availability of any revised report through a notice in the *Federal Register*.

6. FDA will incorporate referral criteria into its education programs for the health professions, for example, in technical reports, which can be used by medical schools in training physicians, by professional societies for continuing education, and by individual physicians as reference sources for their practices (see, e.g., Ref. 2). The criteria will not, however, be issued as regulations or even formal recommendations; FDA's role will be that of a facilitator.

The agency believes that developing and implementing referral criteria through a voluntary educational approach will modify medical practice by reducing the number of unnecessary radiological examination orders. Evidence that educational efforts help reduce unnecessary x-ray examinations is already available from small-scale projects performed by individual institutions and by Professional Standards Review Organizations.

7. As referral criteria are incorporated into clinical practice and experience with their use develops, FDA will solicit comments from the public, individual health professionals, and other

appropriate groups regarding the usefulness of, and recommended changes to, the criteria. Based on such comments, further research, and pertinent information in the clinical and scientific literature, the agency will cooperate with the relevant professions to ensure that referral criteria reflect the current state of clinical and scientific knowledge.

Public Participation

The agency believes that referral criteria will be accepted and used only if there is a broad consensus among professionals as to the scientific bases and usefulness of the criteria. Therefore, in addition to relying on individual clinicians and professional organizations to participate in developing the criteria and in distributing and reviewing draft documents, to encourage public participation FDA will periodically publish in the *Federal Register* notices of availability of referral criteria documents. It will particularly solicit comments when a panel develops a draft report, but there will also be an opportunity to comment on the final reports when their availability is announced in the *Federal Register*. Those who respond to these notices or who comment on particular referral criteria will be kept informed through periodic mailing of revised and new drafts, final documents, and technical reports. Furthermore, FDA will maintain a list of respondents to this and related announcements as a mailing list for future panel reports and other significant referral criteria documents.

An additional opportunity for public participation in the development of referral criteria will be provided at the referral criteria panel meetings. FDA will assist the panels by publishing notices of these meetings in the *Federal Register* (see, e.g., the notice of the meeting of the Chest X-Ray Referral Criteria Panel, 46 FR 17888; March 20, 1981). The notice will include an agenda identifying open sessions and the topics of discussion. Interested persons will have the opportunity to submit written data and views to the panels or to request time for oral presentation during the open sessions. Reports of panel meetings will contain minutes of the open sessions, copies of written data and views submitted to the panels in open sessions, and summaries of and closed sessions. The reports will be rewarded to the Dockets Management Branch for public display.

References

The following information has been placed in the Dockets Management

Branch (address above) and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. U.S. Department of Health, Education, and Welfare, Public Health Service, Food and Drug Administration, Bureau of Radiological Health, "The National Conference on Referral Criteria for X-Ray Examinations," October 25-27, 1978, HEW Publication (FDA) 79-8083, April 1979.

2. U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Radiological Health, "The Selection of Patients for X-Ray Examinations: The Pelvimetry Examination," HHS Publication (FDA) 80-8128, September 1980.

The agency invites and encourages additional data and comment on the Chest X-Ray Referral Criteria Panel Draft Report No. 1, single copies of which are available from the Bureau of Radiological Health at the above address. Interested persons may, on or before September 8, 1981, submit written comments on the report to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should be in four copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. FDA will refer any such comments to the panel for consideration in developing a final report. The draft report and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 28, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-16948 Filed 6-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0108]

Intermedics, Inc., Premarket Approval of Cyberlith™ IV Model 259-01 Programmable A-V Sequential Pulse Generator and Series 522 Programmer

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the CyberLith™ IV Model 259-01 Programmable A-V Sequential Pulse Generator and Series 522 Programmer sponsored by Intermedics, Inc., Freeport, TX 77541. After reviewing the recommendation of the Circulatory Systems Devices Panel, FDA notified the

sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 9, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Springs, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On April 18, 1980, Intermedics, Inc., Freeport, TX, submitted to FDA an application for premarket approval of the CyberLith™ IV Model 259-01 Programmable A-V Sequential Pulse Generator and Series 522 Programmer. The application was reviewed by the Circulatory Systems Devices Panel, and FDA advisory committee, which recommended approval of the application. On March 6, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through

administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 9, 1981, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 1981.

William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 81-10949 Filed 6-8-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement on the Proposed Conservation of Bottomland Hardwood Habitat Known as Reeves Bottom in Dunklin County, Mo.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that a draft environmental impact statement (DEIS) on the proposed conservation of bottomland hardwood habitat known as Reeves Bottom in Dunklin County, Missouri, will be available for public review by June 5, 1981, and comments and suggestions are hereby requested.

The DEIS considers environmental and other effects of conserving approximately 2,300 acres of bottomland hardwood habitat that has significant value to wintering waterfowl and other species of wildlife. The statement evaluates the impacts of several alternatives for preserving these lands. Five alternatives are considered including the Fish and Wildlife Service's preferred alternative, a combination of fee title and easement acquisition by Federal and State agencies.

DATE: Written comments must be received by August 17, 1981, in order to

be included in the final environmental impact statement.

ADDRESS: Written comments should be addressed to: Mr. Gary L. Hickman, Area Manager, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201.

FOR FURTHER INFORMATION CONTACT: Robert M. Dawson, Land Acquisition Supervisor, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Telephone (Commercial) 601/960-4900 or (FTS) 490-4900.

Individuals who want copies of the DEIS for review should immediately contact the above individual. Copies will be sent to all agencies, organizations, and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTAL INFORMATION: The U.S. Department of the Interior, Fish and Wildlife Service (FWS) proposes to conserve, through a combination of State/Federal fee title and easement acquisition, approximately 2,300 acres of bottomland hardwood habitat in Dunklin County, Missouri. This area, referred to as Reeves Bottom, is locally known as Hornersville Swamp and is located in the extreme southeastern portion of the state. The primary purpose of the proposed action is the conservation of habitat that has been identified by the FWS as being significantly important to wintering waterfowl, particularly mallards, in the Lower Mississippi River Delta. Nationally, there are 33 priority categories of waterfowl habitat identified by the FWS within the United States. The bottomland hardwoods of the Lower Mississippi River Delta have been assigned a number 7 national priority.

To obtain input from the public on the Reeves Bottom conservation proposal, public meetings were held in Hornersville, Missouri, and Manila, Arkansas, during June 1980. To date, the response of State and local officials and the general public has been overwhelmingly in favor of the area being preserved. The principal concerns voiced at the meetings were: (1) Need for natural resource protection and enhancement on the area, (2) availability of the area for a wide range of public uses, including hunting, (3) concern over excessive drainage, and (4) the need for better water level management.

The Service has considered a range of alternatives for the conservation of Reeves Bottom. Before selecting State/

Federal fee title and easement acquisition as the preferred alternative, the following alternatives were considered: (1) No Action (Reliance on Zoning and/or Existing Legislation); (2) Fee Title Acquisition by the U.S. Fish and Wildlife Service; (3) Conservation by Easement and/or Lease Only; and (4) Fee Acquisition by the U.S. Army Corps of Engineers. All alternatives were considered in light of the degree of resource protection and enhancement offered, environmental consequences, costs involved, and consistency with FWS land acquisition policy. Funding for any land acquired by the FWS would come from the Migratory Bird Conservation Account (MBCA) which is derived from the sale of migratory bird hunting stamps.

The preferred alternative, Federal/State Fee Title and Easement Acquisition, recommends that the protection and conservation of Reeves Bottom be accomplished cooperatively between the Missouri Department of Conservation, the U.S. Army Corps of Engineers (COE), and the FWS, using a combination of fee title and easement acquisition. This approach is fully consistent with the above mentioned criteria for evaluation of alternatives.

Alternative 2, the No Action Alternative, includes reliance on zoning and/or existing legislation. This alternative would not meet FWS's habitat preservation objective and would allow current land use changes in the area to continue unabated. This action would be to the detriment of the area's wildlife and other natural resources.

Alternative 3, Fee Title Acquisition by the U.S. Fish and Wildlife Service, would entail fee title acquisition of the entire project area by the FWS. While this alternative would be in harmony with FWS's habitat preservation objectives, it would not be fully consistent with Service land acquisition policy which states that fee acquisition will be recommended only when other means of achieving program goals and objectives are not appropriate, available, or effective.

Alternative 4, Conservation by Easement and/or Lease Only, calls for the FWS to acquire easements and/or leases at Reeves Bottom as a means of protecting and conserving this area. This alternative was not selected because of landowner desires, the uncertainty of contract (lease) renewals, cost ineffectiveness, and lack of long-term habitat conservation assurance.

Alternative 5 is Fee Title Acquisition by the U.S. Army Corps of Engineers. Under this alternative, the Memphis District of the Corps of Engineers would

purchase the entire Reeves Bottom project area as an environmental quality feature of its St. Francis River Basin Project. This alternative was not considered viable since implementation would significantly increase the cost of the Corps of Engineers project.

Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this draft environmental impact statement. A Notice of Intent to prepare an environmental impact statement (EIS) was published on February 20, 1980, in Vol. 45, No. 35 of the *Federal Register*.

Scoping for this DEIS included two public meetings to obtain suggestions and information from agencies, organizations, and the general public on the scope of issues to be addressed in the DEIS. These meetings were held at Honersville, Missouri, on June 2, 1980, and at Manila, Arkansas on June 3, 1980. Forty people attended the first meeting, and a formal statement of support for FWS conservation efforts was presented by the Missouri Department of Conservation. Nine persons attended the second meeting, and statements of support were given by the Northeast Arkansas Audubon Society and the Mississippi County (Arkansas) Wildlife Association. The comments, issues, and concerns expressed during the scoping process were considered in the preparation of this statement.

All agencies, organizations, and individuals are urged to provide comments and suggestions for improving this DEIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS on this proposed action.

Dated: June 1, 1981.

Walter O. Stieglitz,
Regional Director, Fish and Wildlife Service.

[FR Doc. 81-16033 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0829, Block 219, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-16031 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 4240 and 3594, Blocks 300 and 301, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd.,

Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 1, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-10932 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 29, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 24, 1981.

Carol Shull,

Chief, Registration Branch.

CALIFORNIA

Humboldt County

Bridgeville vicinity, *Lower Blackburn Grade Bridge*, NW of Bridgeville on CA 36

San Francisco County

San Francisco, *Lydia, The* (Archeological Site No. 4—SFR—94 H, King St. and The Embarcadero

Santa Cruz County

Santa Cruz vicinity, *Brown, Allan, Site*

Shasta County

Redding, *Archeological Site No. CA-SHA-475*

Trinity County

Hayfork vicinity, *Archeological Site No. CA-TRI-140*

IOWA

Adair County

Greenfield, *Adair County Courthouse* (County Courthouses in Iowa Thematic Resources) Iowa Ave. and 1st St.

Allamakee County

Waukon, *Allamakee County Courthouse* (County Courthouses in Iowa Thematic Resources) 107 Allamakee St. (previously listed in the National Register 4-11-77)

Appanoose County

Centerville, *Appanoose County Courthouse* (County Courthouses in Iowa Thematic Resources) Van Buren and N. 12th St.

Audubon County

Exira, *Audubon County Courthouse* (County Courthouses in Iowa Thematic Resources) Washington and Kilworth Sts. (previously listed in the National Register 7-26-77)

Benton County

Vinton, *Benton County Courthouse* (County Courthouses in Iowa Thematic Resources) E. 4th St. (previously listed in the National Register 10-8-76)

Boone County

Boone, *Boone County Courthouse* (County Courthouses in Iowa Thematic Resources) N. State and W. 2nd Sts.

Calhoun County

Rockwell City, *Calhoun County Courthouse* (County Courthouses in Iowa Thematic Resources) Court and 4th Sts.

Chickasaw County

New Hampton, *Chickasaw County Courthouse* (County Courthouses in Iowa Thematic Resources) Prospect St.

Clay County

Spencer, *Clay County Courthouse* (County Courthouses in Iowa Thematic Resources) W. 4th St. and 3rd Ave.

Clayton County

Elkader, *Clayton County Courthouse* (County Courthouses in Iowa Thematic Resources) 111 High St. (previously listed in the National Register 10-8-76)

Clinton County

Clinton, *Clinton County Courthouse* (County Courthouses in Iowa Thematic Resources) Between 6th and 7th Aves.

Crawford County

Denison, *Crawford County Courthouse* (County Courthouses in Iowa Thematic Resources) Broadway

Dallas County

Adel, *Dallas County Courthouse* (County Courthouses in Iowa Thematic Resources) Town Sq. (previously listed in the National Register 11-26-73)

Davis County

Bloomfield, *Davis County Courthouse* (County Courthouses in Iowa Thematic Resources) Bloomfield Town Sq. (previously listed in the National Register 5-3-74)

Decatur County

Leon, *Decatur County Courthouse* (County Courthouses in Iowa Thematic Resources) 9th St.

Delaware County

Manchester, *Delaware County Courthouse* (County Courthouses in Iowa Thematic Resources) Main St.

Dickinson County

Spirit Lake, *Dickinson County Courthouse* (County Courthouses in Iowa Thematic Resources) Hill Ave.

Dubuque County

Dubuque, *Dubuque County Courthouse* (County Courthouses in Iowa Thematic Resources) 720 Central Ave. (previously listed in the National Register 6-23-71)

Fayette County

West Union, *Fayette County Courthouse* (County Courthouses in Iowa Thematic Resources) Pine St.

Franklin County

Hampton, *Franklin County Courthouse* (County Courthouses in Iowa Thematic Resources) Central Ave. and 1st St., N.W. (previously listed in the National Register 8-13-75)

Fremont County

Sidney, *Fremont County Courthouse* (County Courthouses in Iowa Thematic Resources) Clay St.

Greene County

Jefferson, *Greene County Courthouse* (County Courthouses in Iowa Thematic Resources) E. Lincoln Way and Chestnut Sts. (previously listed in the national register 12-14-78)

Grundy County

Grundy Center, *Grundy County Courthouse* (County Courthouses in Iowa Thematic Resources) Grundy Ave.

Hancock County

Garner, *Hancock County Courthouse* (County Courthouses in Iowa Thematic Resources) State St.

Hardin County

Eldora, *Hardin County Courthouse* (County Courthouses in Iowa Thematic Resources) Edgington Ave.

Harrison County

Logan, *Harrison County Courthouse* (County Courthouses in Iowa Thematic Resources) 7th St.

Henry County

Mount Pleasant, *Henry County Courthouse* (County Courthouses in Iowa Thematic Resources) Washington St.

Howard County

Cresco, *Howard County Courthouse* (County Courthouses in Iowa Thematic Resources) Elm St.

Ida County

Ida Grove, *Ida County Courthouse (County Courthouses in Iowa Thematic Resources)* 401 Moorehead St. (previously listed in the National Register 3-15-74)

Iowa County

Marengo, *Iowa County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Ave.

Jackson County

Bellevue, *Jackson County Courthouse (County Courthouses in Iowa Thematic Resources)* Off IA 62

Jasper County

Newton, *Jasper County Courthouse (County Courthouses in Iowa Thematic Resources)* 1st Ave.

Jefferson County

Fairfield, *Jefferson County Courthouse (County Courthouses in Iowa Thematic Resources)* Court St.

Johnson County

Iowa City, *Johnson County Courthouse (County Courthouses in Iowa Thematic Resources)* S. Clinton St. (previously listed in the National Register 3-27-75)

Keokuk County

Sigourney, *Keokuk County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Lee County

Fort Madison, *Lee County Courthouse (County Courthouses in Iowa Thematic Resources)* 701 Avenue F (previously listed in the National Register 9-30-76)

Louisa County

Wapello, *Louisa County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Lucas County

Chariton, *Lucas County Courthouse (County Courthouses in Iowa Thematic Resources)* Courthouse Sq.

Lyon County

Rock Rapids, *Lyon County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd and Story Sts. (previously listed in the National Register 10-1-79)

Madison County

Winterset, *Madison County Courthouse (County Courthouses in Iowa Thematic Resources)* City Sq. (previously listed in the National Register 8-13-76)

Mahaska County

Oskaloosa, *Mahaska County Courthouse (County Courthouses in Iowa Thematic Resources)* Market St. and 2nd Ave.

Marion County

Knoxville, *Marion County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Marshall County

Marshalltown, *Marshall County Courthouse (County Courthouses in Iowa Thematic Resources)* Courthouse Sq. (previously listed in the National Register 11-21-72)

Resources) Courthouse Sq. (previously listed in the National Register 11-21-72)

Mitchell County

Osage, *Mitchell County Courthouse (County Courthouses in Iowa Thematic Resources)* 500 State St. (previously listed in the National Register 8-29-77)

Monona County

Onawa, *Monona County Courthouse (County Courthouses in Iowa Thematic Resources)* Iowa Ave.

Monroe County

Albia, *Monroe County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Montgomery County

Red Oak, *Montgomery County Courthouse (County Courthouses in Iowa Thematic Resources)* Coolbaugh and 2nd Sts.

Muscatine County

Muscatine, *Muscatine County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd St.

O'Brien County

Primghar, *O'Brien County Courthouse (County Courthouses in Iowa Thematic Resources)* Fir Ave.

Osceola County

Sibley, *Osceola County Courthouse (County Courthouses in Iowa Thematic Resources)* 3rd Ave. and 8th St.

Page County

Clarinda, *Page County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Plymouth County

LeMars, *Plymouth County Courthouse (County Courthouses in Iowa Thematic Resources)* E. 3rd Ave.

Pocahontas County

Pocahontas, *Pocahontas County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Sq.

Polk County

Des Moines, *Polk County Courthouse (County Courthouses in Iowa Thematic Resources)* 6th and Mulberry Sts. (previously listed in the National Register 4-30-79)

Pottawattamie County

Avoca, *Pottawattamie County Sub Courthouse (County Courthouses in Iowa Thematic Resources)* Elm St.

Poweshiek County

Montezuma, *Poweshiek County Courthouse (County Courthouses in Iowa Thematic Resources)* Town Sq.

Ringgold County

Mt. Ayr, *Ringgold County Courthouse (County Courthouses in Iowa Thematic Resources)* Madison St.

Sac County

Sac City, *Sac County Courthouse (County Courthouses in Iowa Thematic Resources)* Main St.

Shelby County

Harlan, *Shelby County Courthouse (County Courthouses in Iowa Thematic Resources)* 7th and Courts Sts. (previously listed in the National Register 11-14-78)

Sioux County

Orange City, *Sioux County Courthouse (County Courthouses in Iowa Thematic Resources)* Off IA 10 (previously listed in the National Register 4-11-77)

Tama County

Toledo, *Tama County Courthouse (County Courthouses in Iowa Thematic Resources)* State St.

Taylor County

Bedford, *Taylor County Courthouse (County Courthouses in Iowa Thematic Resources)* Court Ave.

Van Buren County

Keosauqua, *Van Buren County Courthouse (County Courthouses in Iowa Thematic Resources)* 904 4th St. (previously listed in the National Register 11-9-77)

Wapello County

Ottumwa, *Wapello County Courthouse (County Courthouses in Iowa Thematic Resources)* Court St.

Washington County

Washington, *Washington County Courthouse (County Courthouses in Iowa Thematic Resources)* N. B Ave.

Webster County

Fort Dodge, *Webster County Courthouse (County Courthouses in Iowa Thematic Resources)* 701 Central Ave.

Winnebago County

Forest City, *Winnebago County Courthouse (County Courthouses in Iowa Thematic Resources)* J St.

Woodbury County

Sioux City, *Woodbury County Courthouse (County Courthouses in Iowa Thematic Resources)* 7th and Douglas Sts. (previously listed in the National Register 12-18-73)

Worth County

Northwood, *Worth County Courthouse (County Courthouses in Iowa Thematic Resources)* 921 Central Ave.

Worth County

Northwood, *Worth County Courthouse (County Courthouses in Iowa Thematic Resources)* Central Ave. between 10th and 11th Sts.

Wright County

Clarion, *Wright County Courthouse (County Courthouses in Iowa Thematic Resources)* Central Ave.

Ohio*Henry County*

Napoleon, *Henry County Sheriff's Residence and Jail*, 123 E. Washington St.

Portage County

Kent, *Hopkins, Benjamin F., Stone Building*, Standing Rock Cemetery

Wisconsin*Monroe County*

Kendall, *Kendalls Depot*, N. Railroad St.

Rock County

Janesville, *Janesville Public Library*, 64 S. Main St.

Waukesha County

Genesee Depot, *Genesee Town Hall*, Genesee St.

[FR Doc. 81-16645 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management**New Mexico; Southeast Oklahoma Management Framework Plan—Underground Minable Coal Reserves**

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of Decision on the Amendment of Southeast Oklahoma Management Framework Plan.

SUMMARY: This notice is to advise the public that the District Manager, Albuquerque District, Bureau of Land Management, has issued three decisions on the amendment of the Southeast Oklahoma Management Framework Plan (MEP). The amendment decisions designated underground minable reserves of the Rock Island and Spiro-Bokoshe areas as suitable for further leasing consideration. A third decision designated surface minable area M1A-39 as unavailable for further leasing consideration. The State Director of New Mexico has concurred with the decisions.

SUPPLEMENTARY INFORMATION: The District Manager, Albuquerque District, Bureau of Land Management, has issued three decisions on the amendment of the Southeast Oklahoma Management Framework Plan (MFP), in response to direction received from the Regional Coal Team for the Western Interior Federal Coal Production Region, Oklahoma Subregion. The MFP amendment incorporated underground minable federal coal reserves, having a high or medium potential for development, into the land use planning process. Two amendment decisions designated underground minable reserves of the Rock Island and Spiro-Bokoshe areas as suitable for further leasing consideration. The amendment

also incorporated surface minable reserves (area M1A-39) adjacent to underground reserves of the Spiro-Bokoshe area that were not previously included in the MFP. The third amendment decision designated area M1A-39 as unavailable for further leasing consideration. The State Director of New Mexico has concurred with the decisions.

The amendment areas are located in LeFlore County, Oklahoma and include portions of the following described townships:

Indian Meridian, Oklahoma

T. 8 N., R. 24, 25, 26, and 27 E.

T. 9 N., R. 24, 25, and 26 E.

Copies of the Decision Document and Final Environmental Assessment are available for public review in the New Mexico State Office, U.S. Post Office and Federal Building, Santa Fe, New Mexico; at the Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico; or at the Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma, during regular office hours. Individual copies of the document are available from the Oklahoma Area Manager, Bureau of Land Management, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma 73102, telephone (405) 231-4481.

Any person who participated in the planning process and who has an interest which may be adversely affected by approval of the MFP amendment may file a protest on or before July 9, 1981. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process. The protest shall be in writing and shall be filed with the State Director, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. The protest shall contain the name, mailing address, telephone number and interest of the person filing the protest; a statement of the issue or issues being protested; a statement of the part of the amendment being protested; a copy of all documents addressing the issue or issues that were submitted during the amendment process by the protesting party or an indication of the date the issue or issues were discussed for the record; and a short, concise statement explaining why the District Manager's decision was wrong.

Implementation of the decision will begin no sooner than July 9, 1981, or

upon resolution of any protest received by the State Director.

L. Paul Applegate,
District Manager.

[FR Doc. 81-16630 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Amendment

Federal Register Notice—Vol. 45, No. 221, dated Thursday, November 13, 1980, No. 4—San Juan River Regional Coal Leasing EIS, is amended as follows:

The coal lease exchange impact analysis as authorized by Pub. L. 96-475 dated October 19, 1980, will be assessed in a separate environmental analysis (EA). A news release will be prepared and published after publication in the **Federal Register.**

L. Paul Applegate,
District Manager.

May 29, 1981.

[FR Doc. 81-16637 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-84-M

(INT DEIS 81-23)**Northern Idaho Grazing Management, Draft Environmental Impact Statement; DEIS Availability**

AGENCY: Bureau of Land Management, Interior.

ACTION: Public comment period on Northern Idaho Grazing DEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement for a proposed grazing management for the Coeur d'Alene District in northern Idaho. Approximately 121,000 acres of public lands are involved. Copies of the draft environmental impact statement are available for inspection at the following locations:

Coeur d'Alene District, Bureau of Land Management, 1808 North Third, Coeur d'Alene, Idaho 83814. Telephone: (208) 667-2561 (Ext. 356).

Cottonwood Resource Area Headquarters, Bureau of Land Management, Route 3, Box 181, Cottonwood, Idaho 83522. Telephone: (208) 962-3245.

Idaho State Office, Bureau of Land Management, Federal Building, 500 W. Fort Street, Boise, Idaho 83724. Telephone: (208) 334-1770.

Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street, NW., Washington, D.C. 20240.

A limited number of single copies may be obtained from the Idaho State Director, the Coeur d'Alene District Manager, or the Cottonwood Resource Area Manager, Bureau of Land Management, at the address noted above.

Notice is hereby given that the draft environmental impact statement is available for public review and comment. The Department of the Interior invites written comments on the adequacy of the draft statement.

DATE: July 27, 1981—Deadline for receiving written comments.

ADDRESS: Written comments on the Draft EIS should be sent to: Northern Idaho Grazing EIS, Cottonwood Resource Area Headquarters, Route 3, Box 181, Cottonwood, Idaho 83522.

FOR FURTHER INFORMATION CONTACT: Dick Todd or Richard Harms, Bureau of Land Management, Cottonwood Resource Area Headquarters, (208) 962-3245.

Dated: June 2, 1981.

T. G. Bingham,
Acting State Director, Idaho.

[FR Doc. 81-16938 Filed 6-8-81; 8:45 am]
BILLING CODE 4310-84-M

Carson City District, Nevada; District Advisory Council Meeting

SUMMARY: The Carson City District Advisory Council will meet July 10, 1981 at 9:00 a.m. at the Palomino Valley Wild Horse and Burro Placement Center, about 18 miles north of Sparks, Nevada at 17800 Pyramid Lake Highway. Range Management will be the main subject.

Agenda

- 9:00 a.m. Call to order
- 9:30 a.m. Adjourn for field trip to the Antelope Mountain Grazing Allotment (12:00 Sack lunch)
- 2:00 p.m. Reconvene
- 2:30 p.m. Range Management in Carson City District
- 3:00 p.m. Discussion and Public Statements—Adjournment

The public is welcome to attend the meeting, participate in the discussion, and make statements before the Council.

FOR FURTHER INFORMATION CONTACT: Stephen A. Welss, Public Affairs Officer, BLM Carson City District, 1050 East William Street, Suite 335, Carson City, NV 98701.

Thomas J. Owen,
District Manager.
May 29, 1981.

[FR Doc. 81-16947 Filed 6-8-81; 6:46 am]
BILLING CODE 4310-84-M

[W-0317252]

Wyoming; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of Interior proposes to continue the existing withdrawal of the following public lands made by Public Land Order No. 3976 of April 4, 1966, for a 20 year period pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976 [90 Stat. 2751; 43 U.S.C. 1714]:

Sixth Principal Meridian, Wyoming
T. 21 N., R. 87 W.

The tract of land beginning at a point located 1,344.9 feet due south of the N $\frac{1}{4}$ cor., sec. 20, T. 21 N., R. 87 W. bearing due west 577.1 feet; thence S. 59°30' W. 896.3 feet; thence on the arc of a curve to the left, radius 1785; 124.6 feet; thence S. 55°30' W. 72.0 feet; thence, on the arc of a curve to the left, whose back tangent bears S. 64°30' W., radius 5560.0 feet, 1165.0 feet; thence S. 87°56' E., 188.2 feet; thence due north 631.7 feet to the point of beginning.

The area described contains 13.3 acres in Carbon County, Wyoming.

The purpose of the withdrawal is a Bureau of Land Management administrative site. The withdrawal closed the described lands to all forms of appropriation under the public land laws including the mining laws, but not to leasing under the mineral leasing laws. No change in the segregative effect or use of the land would be effected by the continuation.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 12, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before July 17, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with the BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal justification to insure that continuation would be consistent with

the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001.
Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-16973 Filed 6-8-81; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With the Pathfinder Irrigation District; Intent To Negotiate a Repayment Contract

The Department of the Interior, through the Bureau of Reclamation, intends to initiate negotiations for an emergency loan repayment contract with the Pathfinder Irrigation District, Mitchell, Nebraska.

The district is a part of the Interstate Division of the North Platte Project located in southeastern Wyoming and western Nebraska along the North Platte River. Originally, the project was western Nebraska along the North Platte River. Originally, the project was authorized as the Sweetwater Project by the Secretary of the Interior on March 14, 1903, under the Reclamation Act of 1902 (32 Stat. 388), and later approved by the President on January 5, 1911. The Interstate Division is composed of the project lands in Wyoming and Nebraska on the north side of the North Platte River served by the Interstate Canal. The district operates and maintains the project works below station No. 2 of the Interstate Canal, including the Interstate Canal, laterals, drainage system, Lake Minatare, and Lake Alice.

The proposed repayment contract will provide for repayment by the district of up to \$475,000 advanced to the district as an emergency loan. The funds were needed by the district for emergency repair of a sinkhole and void on the downstream face of the Lake Alice Dam No. 1.

All meetings scheduled by the Bureau with the district for the purpose of

discussing terms and conditions of the proposed repayment contract shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice at least 1 week prior to any meeting. Requests should be addressed to the Regional Director, Bureau of Reclamation, Attention: LM-440, P.O. Box 25247, Denver, Colorado 80225. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. Unless significant public interest in the proposed contract is demonstrated in response to this notice, the availability of the negotiated draft contract will not be published or made the subject of a public hearing.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Messrs. Robin D. McKinley or Buddy J. Smith, Repayment Branch, at the above address; telephone (303) 234-3327 or 234-6562.

Dated: June 3, 1981.

Clifford I. Barrett,

Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-10983 Filed 6-8-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (SUB-NO. 34)]

Chicago & North Western Transportation Co., Exemption for Contract Tariff ICC-CNW-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Chicago and North Western Transportation Company (C&NW) filed a petition on May 21, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-CNW-C-0002, now June 25, 1981, so that the effective date would be on one day's notice.

The contract covers the transportation by C&NW of roofing granules for the Minnesota Mining & Manufacturing Company (3M). This shipper operates a plant at Havelock, Ontario, Canada which manufactures these granules. Because this plant has recently been struck by its employees, 3M must supply its Canadian customers from its Wausau, WI, plant during the course of the strike. The need for these Canadian shipments from Wausau has led 3M to seek an advancement of the original effective date of its contract with C&NW.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

We believe the strike at 3M's Ontario plant constitutes such an exceptional situation, and the petition will be granted. A denial of the petition could preclude 3M from responding efficiently to customer requirements during the course of the Havelock strike. There is no indication that C&NW's obligation to provide service to other shippers will be impaired by its performance under the contract. In these circumstances, authorization of a provisional exemption is warranted, and C&NW's contract tariff ICC-CNW-C-0002 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to

protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources. (49 U.S.C. 10505).

Dated: June 3, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Alexis, dissenting in part: I find that no exceptional or emergency situation exists which warrants an exemption under Section 10505. The carrier is not prevented from making these movements under existing common carrier tariffs or seeking special permission to file a tariff on short notice if no applicable tariffs are on file.

[FR Doc. 81-10985 Filed 6-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP1-165]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issues indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 730 (Sub-497F) (republication), filed March 11, 1980, published in Federal Register of June 26, 1980, and republished this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Colledge (same address as applicant). A decision by the Commission, Review Board 1, Decided March 27, 1981, served April 7, 1981, finds that applicant is authorized to operate as a common carrier, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting chemicals and petroleum

products, in bulk, in tank vehicles, (1) from the facilities of Shell Chemical Co. and Shell Oil Co., in Harris County, TX, and at or near Geismar and Norco, LA, to points in the United States (except Alaska and Hawaii), and (2) from points in the United States (except Alaska and Hawaii), to the facilities of Shell Chemical Co. and Shell Oil Co., located in Louisiana and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is *expanded origin point of Harris County, TX.*

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16707 Filed 6-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 96]

Restriction Removals; Decision-Notice

Decided: June 4, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 547 (Sub-6)X, filed May 27, 1981. Applicant: WALL TRUCK LINE, INC., 105 North Olive, Holden, MO 64040. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in its regular route portion of its authority; (b) iron and steel articles and prefabricated parts used in the manufacture and sale of agricultural implements to "metal and metal products" in the irregular route portion of its authority. (2) delete an "in containers" restriction in its regular route portion of its authority to transport sand, lumber, feed, meats, oil and grease; (3) broaden cities and/or off-route points to counties: the off-route point of Holden, MO, to Johnson County, MO; Ottawa, KS, to Franklin County, KS; (4) authorize service to all intermediate points along described regular routes between MO and KS; (5) delete restriction limiting service to the pick-up and delivery of livestock at off-route points in the regular route portion of its authority to transport general commodities; (6) authorize radial service in place of one-way authority between various points in MO and KS in the irregular route portion to transport livestock.

MC 7840 (Sub-42)X, filed May 5, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 36F certificates and (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives), in Sub-No. 1 (part 1); to "pulp, paper and related products" from paper boxes, in Sub-No. 1 (part 4); paper and paper products, in Sub-No. 1 (part 5); and paper chip board, in Sub-No. 1 (part 6); from paper-mill rollers to "machinery", in Sub-No. 1 (part 8) and from (a) railway brakes, power pumps, castings, steel racks, and agricultural implements, (b) parts and accessories for the commodities named in (a) above and (c) materials, equipment, and supplies used in the manufacture and distribution of

the commodities named in (a) and (b) above to "machinery and transportation equipment", in Sub-No. 36F, (2) broaden the territorial application by substituting county-wide authority for city wide authority as follows: in paragraph 4, Lewis County, NY for Castorland, NY, Erie County for Erie, PA, Middlesex and Somerset Counties for New Brunswick and Bound Brook, NJ; in paragraph 5, Jefferson County for Carthage, NY, Worcester County for Baldwinville and Brookfield, MA; Cheshire for Ashuelot, NH; in paragraph 6, Jefferson County for West Carthage, NY, Caledonia, Chittenden, Orange, and Windham Counties for East Ryegate, Burlington, Wells River, and Putney, Vermont, and Cheshire and Hillsboro Counties, NH for Hinsdale, East Jaffrey, and Bennington, NH; in paragraph 8, Jefferson County for Carthage, NY and Chester County, for Downingtown, PA; (3) authorize radial service in lieu of existing one-way authority as follows: in paragraph 2, between St. Lawrence and Erie Counties, NY; in paragraph 3 between Erie and Franklin Counties, NY; in paragraph 4, between Lewis County, NY, and New York, NY, Erie County, PA, and Middlesex and Somerset Counties and Newark, NJ; in paragraph 5, between Jefferson County, NY and specified points and counties in Massachusetts and New Hampshire; in paragraph 6, between Jefferson County, NY, and specified points and counties in MA, NH, and VT; in paragraph 8, between Jefferson County, NY and New York, and Chester, PA; and (4) remove the AK and HI exception, in Sub-No. 36F.

MC 18459 (Sub-16)X, filed May 22, 1981. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster Street, St. Paul, MN 55101. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 10F and 12F certificates to (1) broaden the commodity descriptions from iron and steel articles, materials, equipment and supplies to "metal products" in each certificate; (2) remove the "except commodities in bulk" restriction in Sub-No. 10F; (3) eliminate the facilities limitation from St. Paul, MN, to Minneapolis-St. Paul, MN, in Sub-No. 10F, and from Monroe to Monroe County, MI, in Sub-No. 12F; (4) change one-way to radial authority between Minneapolis-St. Paul, and, points in the U.S., in Sub-No. 10F; and Monroe County, MI, and, points in the U.S., in Sub-No. 12F; and (5) remove the restriction against transportation to points in AK and HI in Sub-No. 10F and 12F.

MC 52460 (Sub-330)X, filed May 15, 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. 3, 84, 134, 141, 152, 155, 161, 162, 165, 166, 178, 192, 199, 201, 203, 204F, 210F, 211F, 212F, 213F, 217F, 218F, 221F, 225F, 232F, 235F, 236F, 237F, 245F, 247F, 249F, 251F, 256F, 258F, 260F, 261F, 266F, 270F, 271F, 275F, 277F, 278F, 279F, 290F, 282F, 283F, 284F, 286F, 287F, 290F, 292F, 295F, 300F, 301F and 306F certificates to (1) broaden the commodity descriptions from meat and packing house products, rice, canned goods, vinegar, and grape juice, hot sauces and chili peppers, malt beverages, unfrozen canned goods, foodstuffs, frozen foods, canned and preserved foodstuffs, candy, tallow, coffee and coffee products, frozen, canned and chilled citrus products, and beverages, pet foods and animal feeds, peanut butter and peanut butter packing supplies, non-alcoholic mixes and juices, to "food and related products" in each certificate except Sub-Nos. 212F, 232F, and 235F; (2) eliminate the facilities limitations in Sub-Nos. 84, 152, 155, 161, 166, 178, 199, 201, 203, 204F, 211F, 212F, 213F, 217F, 218F, 225F, 232F, 236F, 237F, 249F, 251F, 256F, 260F, 261F, 270F, 271F, 278F, 280F, 283F, 287F, 290F, 292F, 300F and 301F; (3) replace specific point or facilities authority with county-wide or city-wide authority as follows: Fort Smith with Sebastian County, AR in Sub-No. 3; Kansas with Delaware County, OK in Sub-No. 84; Memphis with Shelby County, TN in Sub-No. 134, Lamar, MO with Barton County, MO; Memphis, TN with Shelby County, TN, Blytheville, Newport, Paragould and Helena, AR with Mississippi, Jackson, Phillips and Greene Counties, AR, and Franklin with St. Mary Parish, LA in Sub-No. 141; facilities at Amarillo with Potter and Randall Counties, TX in Sub-No. 152; facilities at Cactus with Moore County, TX in Sub-No. 155; facilities at Roswell with Chaves County, NM in Sub-No. 161; Enid, Ponca City and Poteau with Garfield, Kay and LeFlore Counties, OK, Memphis with Shelby County, TN, and Alamosa with Alamosa County, CO in Sub-No. 162; Golden with Jefferson County, CO, Belleville with St. Clair County, IL and Hannibal with Marion and Ralls Counties, MO in Sub-No. 165; facilities at Crete with Saline County, NE in Sub-No. 166; facilities at Perry with Houston County, GA in Sub-No. 178; Belledeau and St. Francisville with Avoyelles and West Feliciana Parishes, LA in Sub-No. 192; facilities at Murfreesboro with Rutherford County,

TN in Sub-No. 201; facilities at Troy with Pike County, AL in Sub-No. 203; facilities at Carrollton, Marshall, Macon and Moberly with Carroll, Saline, Macon and Randolph Counties, MO in Sub-No. 204; Chickasha with Grady County, OK in Sub-No. 210; Dodge City with Ford County, KS in Sub-No. 211; facilities at Garland with Dallas, TX in Sub-No. 212; facilities at Greenville with Washington County, MS in Sub-No. 213; facilities at Lakeland with Polk County, FL in Sub-No. 217; facilities at Forest with Scott County, MS in Sub-No. 218; facilities at Russellville and Searcy with Pope and White Counties, AR in Sub-No. 221; facilities at Cleveland with Bradley County, TN in Sub-No. 225; facilities at St. Louis, MO with St. Louis, MO in Sub-No. 232; facilities at Bentonville, Fort Smith and Searcy with Benton, Sebastian, Crawford and White Counties, AR in Sub-No. 235; facilities at Dodge City with Ford County, KS in Sub-No. 236; facilities at Iowa City and Muscatine with Johnson and Muscatine Counties, IA in Sub-No. 237; Covington with Tipton County, TN in Sub-No. 245; facilities at Emporia with Lyon County, KS in Sub-No. 249; facilities at Sherman with Grayson County, TX in Sub-No. 251; facilities at New Orleans with New Orleans, LA in Sub-Nos. 256 and 260; facilities at Oak Grove with West Carroll Parish, LA, and Moorhead with Sunflower County, MS in Sub-No. 261; facilities at Lake Wales with Polk County, FL in Sub-No. 266; facilities at Emporia and Wichita with Lyon and Sedgwick Counties, KS in Sub-No. 270; facilities at El Paso with El Paso County, TX in Sub-No. 271; facilities at Arkansas City with Cowley County, KS and Roswell with Chaves County, NM in Sub-No. 277; facilities at Hialeah with Dade County, FL in Sub-No. 278; facilities at Avery Island with Iberia Parish, LA and Collinsville with Madison County, IL in Sub-No. 279; facilities at Holcomb with Finney County, KS in Sub-No. 280; Montezuma with Macon County, GA in Sub-No. 283; facilities at Palestine with Anderson County, TX in Sub-No. 286; facilities at Memphis with Shelby County, TN in Sub-No. 287; Stilwell with Adair County, OK in Sub-No. 290; facilities at Liberal with Seward County, KS in Sub-No. 292F; facilities at Corona with Riverside County, CA, and Byhalia with Marshall County, MS in Sub-No. 300F; and facilities at Great Bend, Topeka and Wichita with Barton, Sedgwick and Shawnee Counties, KS in Sub-No. 301F. (4) change one-way to radial authority between numerous points throughout the U.S.; (5) remove the following restrictions against commodities

"bottles, in packages and containers" in Sub-No. 84, "in containers" in Sub-Nos. 141, 165, 203 and 278F, "except hides and commodities in bulk" in Sub-Nos. 152, 155, 161, 166, 211F, 236F, 270F, 280F, 292F, and 301F, "in bulk, in vehicles equipped with mechanical refrigeration" in Sub-Nos. 199, 212F, 217F, 221F, and 225F, "in tank vehicles" in Sub-Nos. 155, 211F, 212F, 217F, and 225F, "except hides and liquid commodities" in Sub-No. 284F, and "originating at and destined to" in Sub-Nos. 84, 152, 155, 161, 166, 199, 201, 211F, 212F, 217F, 218F, 225F, 232F, 236F, 237F, 249F, 271F, and 290F.

MC 101053 (Sub-12)X, filed May 26, 1981. Applicant: DRY BULK TRANSPORT, INC., R.D. #4, Marietta, OH 45750. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-No. 11F certificates to (1) broaden the commodity descriptions to (a) "commodities in bulk, ores and minerals, coal and coal products, and clay, concrete, glass or stone products" from Coal, cinders, slag, soil (earth or marl), gravel, slate stone (Unglazed and unmanufactured), bituminous concrete, ores, in bulk, sand (other than asbestos, bird, iron, monazite, processed or tobacco sand), and salt in bulk, in the lead (part 1); (b) "commodities in bulk" from coal, in bulk, in dump trucks, in the lead (part 2), coal in the lead (part 3) and lime, in bulk, in Sub-No. 11F; (2) replace Maysville, KY and Poterfield, OH, with Mason County, KY and Washington County, OH, in Sub-No. 11F; (3) eliminate "within 50 miles and beyond 50 miles of Weirton, WV, in the lead; and (4) replace one-way with radial authority between (a) Washington, Morgan, and Noble Counties, OH and Pleasants and Wood Counties, WV, in the lead (parts 1 and 2) and (b) Mason County, KY and Washington County, OH and IL, IN, OH, PA, WV, and MI, in the Sub-No. 11F.

MC 106920 (Sub-133)X, filed May 15, 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, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 98F certificate to (1) broaden the territorial description from city-wide authority to county-wide authority: (a) Dorsey, MD, to Howard County, MD, (b) Lyons, IL, to Cook County, IL, and (c) Kansas City, KS, to Kansas City, KS-MO commercial zone; and (2) eliminate the "originating at or destined to" restriction.

MC 109136 (Sub-48)X, filed May 15, 1981. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 1740 E. Joppa Road, Baltimore, MD 21234. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 30 and 46 permits to (1) broaden the commodity descriptions to (a) "plastic and plastic materials" from synthetic plastics, dry, in bulk, in tank or hopper vehicles, in Sub-No. 30, and (b) "chemicals and related products" from liquid sodium silicate, in bulk, in Sub-No. 46; (2) eliminate the plantsite restriction, in Sub-No. 30; and (3) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in both permits.

MC 109692 (Sub-89)X, filed May 13, 1981. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 1401 Fairfax Trafficway, Bldg. D., Suite 315, Kansas City, KS 66115. Representative: Warren H. Sapp, P.O. Box 30010, Kansas City, MO 64112. Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 14, 15, 16, 18, 20, 21, 22, 24, 25, 33, 35, 36, 37, 39, 40, 43, 45, 47, 50, 51, 52, 54F, 62F, 63F, 64F, 65F, 69F, 70F, 71F, 72F, 73F, 74F, 75F, 76F, 81F, and 88F, certificates and E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, and E17 letter notices to broaden the commodity descriptions to (1) "farm products" from hides and wood, in the lead (part a); seeds in the lead (part k); and hides in Sub-No. 81F; (2) "food and related products" from malt beverages, and empty malt beverage containers, in the lead (parts b and c); feed in Sub-No. 13 (part g); canned goods and groceries, in Sub-No. 13 (part t); cheese and empty cheddar boxes and returned and processed cheese, in Sub-No. 22 (parts c and d); and animal feeds and feed ingredients, in Sub-No. 51; (3) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in the lead (parts d, e, t, and u). Sub-Nos. 13 (part b), 76F, E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, and E17; (4) "chemicals and related products" from salt, in the lead (part f) and Sub-Nos. 13 (part h) and 18; chemicals and insecticides, in the lead (part i); anti-freeze solutions, in the lead (part j); dry fertilizer, dry fertilizer materials, dry fertilizer ingredients, dry urea, and dry urea products, in Sub-No. 21; and chemicals and preservatives, in Sub-No. 33 (part b); (5) "metal products and waste and scrap materials not identified by industry producing" from scrap iron, metal, and rags, in the lead (part g); (6)

"machinery and household goods" from farm implements and machinery, contractors machinery and equipment, and emigrant movables, in the lead (part n); (7) "building materials and metal products" from building materials, including road building materials, structural steel and tanks, in the lead (part o); (8) "farm products, machinery, food and related products and household goods" from grain, feed, emigrant movables, agricultural implements, farm supplies, and seed, in the lead (part q); (9) "metal products, Mercer commodities and machinery" from oil field supplies, construction iron, metal and steel articles and supplies, heavy machinery, and iron and steel pipe, in the lead (part p); (10) "machinery and metal products" from combines and parts thereof, in the lead (part r); windrowers and parts thereof, in the lead (part s); butcher shop equipment, farm machinery and parts, and road building machinery and parts, in the lead (part u); farm machinery and parts, and road building machinery and parts, in Sub-No. 14; irrigation systems, pipe and tubing, lighting and signal poles, and transmission poles, in Sub-No. 45 (part 1); irrigation systems and parts and accessories for irrigation systems, in Sub-No. 52 (part 1(a)); used irrigation systems, and equipment, materials and supplies used in the installation, in Sub-No. 52 (part 3); tractors and farm, industrial, construction and excavating machinery and parts, attachments, and accessories, in Sub-No. 63F; and agricultural machinery, and agricultural implements and parts and accessories and industrial machinery, construction machinery and equipment, parts, and accessories, in Sub-No. 73F; and pipe tubing, light poles, mast arms, brackets, bases and transmission poles and material, equipment and supplies, in Sub-No. 52 (parts 1 (b) and (c) and 2); pipe, couplings, pilings, well casings, well screens and tubing and material, equipment and supplies, in Sub-No. 72F; (11) "farm products, coal and coal products, and building materials" from feed, coal, tankage, grain, and building materials, in the lead (part v); (12) "such commodities as are used or dealt in by undertakers and funeral parlors" from undertaker's supplies, in the lead (part w); (13) "machinery, building materials and farm products" from agricultural machinery, building and fencing materials, feed, grain, twine, and seed, in Sub-No. 13 (part f), (14) "waste or scrap materials not identified by industry producing" from waste paper and junk, in Sub-No. 13 (part i); junk, in Sub-No. 13 (part r); and aluminum slag,

in Sub-No. 35; (15) "furniture and fixtures" from furniture, in Sub-No. 13 (part j); (16) "farm products and food and related products" from eggs, empty egg containers and egg case materials, in Sub-No. 13 (parts k and l); (17) "petroleum, natural gas and their products, building materials, pulp, paper and related products, machinery, and transportation equipment" from petroleum products, fiber board boxes, brooders, chicken hatchery supplies, compressed gas, building materials, automobile tires, and tubes, and gasoline tanks and pumps, in Sub-No. 13 (part m); (18) "machinery and waste or scrap materials not identified by industry producing" from junk, gasoline tanks and pumps, and empty containers for producing compressed gas and petroleum products, in Sub-No. 13 (part n); (19) "pulp, paper and related products" from paper, and paper products and such commodities as are dealt in by retail grocery and food business houses" from paper, and paper products, and such commodities as are dealt in by retail grocery and food business houses, in Sub-No. 13 (part o); (20) "metal products and twine" from binder twine, fencing materials, bale ties, and baling wire and iron roofing, in Sub-No. 13 (part p); (21) "twine" from binder twine, in Sub-No. 13 (part q); (22) "Mercer commodities and machinery, and equipment, materials and supplies used in or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof" from machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, in Sub-No. 15; (23) "machinery" from combines, in Sub-No. 18; agricultural combines, in Sub-No. 20; fertilizer spreaders, sprayers and ammonia applying equipment, in Sub-No. 43; and used irrigation systems, in Sub-No. 45 (part 3); (24) "chemicals and related products and building materials" form fertilizer and corrugated roofing, in Sub-No. 22 (part a); (25) "metal products, farm products, pulp, paper and related products, chemicals and related products, food and related products, and lumber and wood products" from seed, feed, wire, roofing materials, moulding,

and nails, and creamery supplies, viz: neutralizers, washing powder, tubs, barrels and fibre boxes, in Sub-No. 22 (part e); (26) "building materials" from prefabricated buildings, knocked down or in sections, in Sub-No. 22 (part f); roofing and roofing materials and supplies, in Sub-No. 39; pipe, (except iron and steel pipe), in Sub-No. 40; gypsum, gypsum products, and building materials, in Sub-No. 47; building materials and insulating materials, in Sub-No. 50; roofing and roofing materials and equipment supplies used in the installation and distribution, in Sub-Nos. 69F; and roofing and roofing materials, in Sub-No. 70F and 71F; (27) "metal products" from iron and steel and iron and steel articles, in Sub-No. 24; iron and steel articles, in Sub-Nos. 36, 54F, 62F, and 75F; equipment, materials, and supplies used in the manufacture of irrigation systems, in Sub-No. 45 (part 2); and fabricated metal products, in Sub-No. 74F; (28) "clay, concrete, glass or stone products" from clay and clay products, in Sub-No. 25; (29) "lumber and wood products" from lumber and lumber products, posts, poles and timber in Sub-No. 33; lumber and wood products, in Sub-No. 65F; and lumber products, wood products and forest products, in Sub-No. 88F; and (30) "machinery, building materials, and metal products" from solar energy heating and cooling systems, woodburning heating and appliances, and materials, equipment and supplies, in Sub-No. 64F. Applicant also seeks to (1) eliminate "except commodities in bulk", "pick-up only", "except in dump vehicles", "in bulk or package", "delivery only", "in truckload", "in bags", against tank vehicles" and "except AK and HI" restrictions wherever they appear in the above Sub-numbered authorities; (2) remove the originating at restrictions in Sub-Nos. 50, 54F, 62F, 70F, 72F, 73F, and 81F; (3) eliminate the facilities limitations in Sub-Nos. 24, 37, 40, 43, 45, 47, 50, 51, 52, 54F, 62F, 63F, 64F, 65F, 69F, 70F, 71F, 72F, 74F, 75F, and 81F; (3) replace cities with authority to serve the county as follows: Kanapolis, Agenda, Burr, Hollis, Linn, Maryville, Phillipsburg, Republic, Salina, Simpson, Wayne, Woodston, Stockton, Overland Park, (irregular route) and Glasco with Ellsworth, Republic, Cloud, Washington, Marshall, Phillips, Saline, Mitchell, Johnson, and Rooks Counties, KS, Lanham with Gage County, NE, points in NE within 15 miles of Lanham, NE, with Jefferson County, NE, points in KS within 15 miles of Lanham, NE, with Marshall and Washington Counties, KS and Kansas City, Independence, Martin County, and Lees Summit with Jackson

County, MO, in the lead; Lyons, Hutchinson, Winfield, Iola, Humboldt, Chanute, Arkansas City, and Great Bend with Rice, Reno, Cowley, Allen, Neosha and Barton Counties, KS, in Sub-No. 13; St. Joseph with Buchanan County, MO, in the lead and Sub-No. 13; Wichita with Sedgwick County, KS, in Sub-Nos. 13, 14, and 33; Kanapolis with Ellsworth County, KS, in Sub-No. 16; Independence with Jackson County, MO, in Sub-No. 18; South Mound and Erie with Neosho County, KS, and Springfield with Greene County, MO, in Sub-No. 22; Pittsburg with Crawford County, KS, in Sub-Nos. 25 and 51; Hugo with Choctaw County, OK, in Sub-No. 33; Jones Mill, Magnolia, Arkadelphia, Russellville and Newport with Hot Springs, Columbia, Clark, Pope, and Jackson Counties, AR, and Rockwall and Plano with Rockwall and Collin Counties, TX in Sub-No. 35; Norfolk with Madison County, NE, in Sub-Nos. 36, 62F, and 75F; Springfield with Sangamon County, IL, in Sub-No. 40; Lenox with Taylor County, IA, in Sub-No. 43; Valley with Douglas County, NE, in Sub-Nos. 45, 52, 64F, and 72F; Southard with Blaine County, OK, in Sub-No. 47; Sterling with Whiteside County, IL, in Sub-No. 54F; Burlington with Des Moines County, IA, in Sub-No. 63F; West Memphis with Crittenden County, AR, in Sub-No. 65F; Little Rock with Pulaski County, AR, in Sub-No. 69F; Lubbock with Lubbock County, TX, Pueblo with Pueblo County, CO, and Long Beach with Los Angeles County, CA, in Sub-No. 72F; Franklin Park with Cook County, IL in Sub-No. 74F; and Dakota City with Dakota County, NE, Denson with Crawford County IA, and Emporia with Lyon County, KS, in Sub-No. 81F; (4) allow service at all intermediate points, in the lead (parts a, b, c, d, and e) and Sub-No. 13 (part b) and (5) change its one-way regular route authority to two-way authority, in the lead and Sub-No. 13 and its one-way irregular route authority to radial authority, wherever it exists in the above named sub-numbers.

MC 114098 (Sub-55)X, filed February 25, 1981, published in the **Federal Register** of March 17, 1981, is republished as follows: Applicant: **LOWTHER TRUCKING COMPANY, INC.**, P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 3, 49F, 50F, 51F and 52F certificates to (1) broaden the commodity description from hulled cottonseed and ground cottonseed flakes to "food and related

products", from fertilizer "chemicals and related products," from building or roofing slabs (made of Portland cement with wood fibre or wood chips aggregate), and composition boards and sheets (not including wall boarding or insulation boarding) to "building materials," and from hardboard to "lumber and wood products" in Sub-No. 3; from lumber to "lumber and wood products" in Sub-Nos. 49F, 51F, and 52F; from iron and steel articles to "metal products" in Sub-No. 50 and 52F; (2) remove the in bulk, and in tank and hopper-type vehicles and in bags, and no flat-bed trailers restriction in Sub-No. 3; (3) replace specified cities with county-wide authority, from Black Mountain, and Charlotte, NC to Buncombe, and Mecklenburg Counties, NC, from Conway, NC, and points within 10 miles thereof to Northampton and Hertford Counties, NC, and Southampton County, VA, from Augusta, GA to Richmond and Columbia Counties, GA, and Aiken and Edgefield Counties, SC, from Spartanburg, SC to Spartanburg County, SC, and from Newark, OH, to Hicking County, OH in Sub-No. 3; (4) replace one-way authority with radial authority between Mecklenburg, NC, and Richmond, GA, Spartanburg County, SC, and points in NC, Richmond, VA, and points in 12 named States and a described portion of TN, Northampton and Herford Counties, NC, and Southampton County, VA, and, 11 named States, AR (except Benton, AR) and a described portion of TN, Hicking County, OH, and, points in WV in part (A) of Sub-No. 3, between (a) Buncombe County, NC and points in SC, KY, and described portions of TN, NY, and PA, in part B of Sub-No. 3; between Goergetown County, SC, and, points in NC, SC, and VA in Sub-No. 49F; between (1) Georgetown County, SC, and, points in GA, MD, and TN, and (2) points in SC, and, points in NC in Sub-No. 51F; and between (1) Clarendon County, SC, and points in 5 States, and (2) between Surry County, NC, and points in SC in Sub-No. 52F. The purpose of this republication is to give notice of the broadening Sub-No. 52F, and authority to serve all counties in the Augusta, GA, commercial zone and all counties touching points within 10 miles of Conway, NC.

MC 124170 (Sub-166)X, filed May 18, 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 to remove restrictions in its Sub-No. 160 certificate to broaden the commodity description from meats, packing-house

products, and commodities used by packing houses to "food and related products".

MC 128639 (Sub-16)X, filed May 21, 1981. Applicant: CURRIER TRUCKING CORPORATION, Berlin-Gorham Road, Gorham, NH 03581. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 8, 10, 11, 12, and 14 certificates to (1) broaden the commodity descriptions to: (a) "lumber and wood products" from wood chips, sawdust, wood residuals, wood slabs, and wood flour, in the lead, and Sub-Nos. 8, 10, 12, and 14; (b) "pulp, paper, and related products" from wood pulp, paper, and paper products in the lead, and Sub-Nos. 11 and 14; (c) "furniture and fixtures and metal products", from towel cabinets and towel dispensers in Sub-No. 14 and; (d) "waste or scrap materials", from waste paper in Sub-No. 14; (2) remove the in-bulk restriction in lead and Sub-Nos. 8 and 10; (3) replace city-wide (Berlin and Gorham, NH) with county-wide authority (Coos County, NH), in the lead and Sub-Nos. 11 and 14; and (4) replace one-way with radial authority in the lead and Sub-Nos. 8, 12, and 14.

MC 129742 (Sub-15)X, filed May 20, 1981. Applicant: PUROLATOR COURIER LTD., Valhalla Executive Center, 304 The East Mall, Islington, Ontario, Canada M9B 6C7. Representative: Peter A. Greene, 1920 N Street, N.W., Suite 700, Washington, DC 20036. Applicant seeks to remove restrictions in its (Sub-Nos. 9, 11F and 12F) certificates to (1) eliminate exceptions to general commodities except "classes A and B explosives"; (2) eliminate size and weight restrictions; and (3) replace authority to serve specific ports of entry in certain States on the United States—Canada boundary line with the authority to serve any ports of entry in NY, MI, VT, ME, MN, and ND.

MC 135953 (Sub-22)X, filed May 20, 1981. Applicant: CHEROKEE LINES, INC., P.O. Box 152, Cushing, OK 74023. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks removal of restrictions to (A) broaden the commodity descriptions to: "food and related products" in its No. MC-143103 (Sub-Nos. 1, 8F, and 19) permits, from cured and preserved meats in packages, from confectionery (except in bulk), and from meats, meat products and by-products, dairy products, articles distributed by meat-packing houses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat

packers; and to "such commodities as are dealt in or used by manufacturers of animal feed and feed ingredients" in its Sub-No. 5F permit, from animal feed, ingredients, additives, materials and supplies used in the manufacture and distribution of animal feed (except in bulk; and (B) broaden the territorial descriptions in Sub-Nos. 1, 5, and 8 to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 136635 (Sub-60)X, filed May 13, 1981, previously noticed in the Federal Register of June 1, 1981, republished as corrected this issue. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its MC-138479 and Sub-No. 1 permit acquired in MC-F-13672 to (1) broaden the commodity description from vinyl skirting, vinyl siding, asphalt siding and steel siding and materials, and supplies (except in bulk) to "building materials, and materials, equipment and supplies used in the manufacture and distribution of building materials" in each permit; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper, in each permit. The purpose of this republication is to show the correct MC number to be MC-136635 (Sub-60)X in lieu of MC-136635 (Sub-59)X.

MC 138308 (Sub-142)X, filed May 22, 1981. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 109F certificate to: (1) broaden the commodity description to "such commodities as are dealt in or used by retail, wholesale, discount, or variety stores" from such commodities as are dealt in or used by retail, wholesale, discount, or variety stores (except commodities in bulk and foodstuffs); (2) change its one-way authority to radial authority between points in AL, FL, GA, LA, MS, and TX, on the one hand, and, on the other, points in the U.S.; and, (3) eliminate the except AK and HI restriction.

MC 138732 (Sub-32)X, filed May 14, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. Applicant seeks to remove restrictions in its No. MC 138732 (Sub-No. 2, 12, 16F, 20F and 31) certificates and its No. MC 133928 Sub-No. 15 and 18 permits to (1) broaden its commodity

description from paper and paper products, and glass containers and materials, equipment and supplies used in the manufacturing and distribution of paper, paper products and glass containers to "pulp, paper, and related products; clay, concrete, glass or stone products; and containers" in Sub-No. 12; from agricultural field equipment and harvesting equipment, parts therefore, and materials and supplies used in the harvesting, cultivating and distribution of agricultural commodities to "machinery; those commodities which because of their size and weight require special handling or equipment; and equipment, materials and supplies used in the harvesting, cultivating and distributing of agricultural commodities" in Sub-No. 2; from in Sub-No. 16 bentonite clay and lignite coal, and in Sub-No. 20 from bentonite clay, lignite coal, and water impedance boards to "Mercer and earth drilling commodities; coal and coal products; clay, concrete, glass or stone products; and building materials"; and from pipe (except iron and steel pipe) and iron and steel articles, and aluminum and aluminum articles to "metal products", in Sub-No. 31F Parts (3) and (4); from wood fibreboard and accessories, soil amendments, lumber, lumber products, and bark to "such commodities as are dealt in by manufacturers, producers and distributors of building materials and lumber or wood products" in Sub-Nos. 15 and 18; (2) remove the restrictions against the transportation of commodities in bulk, in tank vehicles, liquid caustic soda in bulk, and soda ash in Sub-Nos. 12 and 31; (3) replace its city with County-wide authority in Sub-No. 20, Upton, WY with Weston County, WY; (4) remove the facilities restrictions contained in its Sub-Nos. 16 and 20; (5) change its one-way to radial authority in Sub-Nos. 16 and 20 between specified counties in MT, ND, SD, and WY and points in several Western States; and (6) authorize service between points in the United States under contract with named shippers in Sub-Nos. 15 and 18 permits.

MC 142905 (Sub-14)X, filed May 19, 1981. Applicant: PETROLEUM TRANSPORTATION CORPORATION, 9717 E. 42nd Street, Tulsa, OK 74145. Representative: Thomas N. Willess, 1000 Sixteenth Street, N.W., Suite 502, Solar Building, Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F, 9F, 10F, and 13F certificates to (1) broaden the commodity description from (a) anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor to "petroleum products, animal feeds, and agriculture

fertilizer and ingredients" in the lead; (b) anhydrous ammonia and liquid fertilizer (except anhydrous ammonia) to "petroleum products and agriculture fertilizers and ingredients" in Sub-No. 4F, and "agriculture fertilizers and ingredients" in Sub-No. 5F; and (c) diesel fuel, liquefied petroleum gas, and natural gasoline to "petroleum products" in Sub-No. 9F, 10F and 13F; (2) eliminate the facilities limitations in the lead and Sub-No. 5F; (3) change city to county-wide authority from Woodward to Woodward County, OK, in the lead; Hoag to Gage County, NE, in Sub-No. 4F, Verdigris to Rogers County, OK, in Sub-No. 5F; Arkansas City to Cowley County, KS, in Sub-No. 9F; and Conway, Hutchinson and Little River to McPherson, Reno, and Rice Counties, KS, in Sub-No. 10F; and (4) authorize radial for one-way authority between points in the central portion of the U.S.

MC 143876 (Sub-3)X, filed May 19, 1981. Applicant: CURLY'S DELIVERY SERVICE, INC., P.O. Box 2207, Cedar Rapids Iowa 52406. Representative: J. L. Kazimour (same address as applicant). Applicant seeks to remove restrictions from its Sub-No. 2F certificate to: (1) remove the "except commodities in bulk, and those requiring special equipment" exceptions from its general commodities authority; (2) remove the facilities limitations at (a) Arcadia, Bakersfield, Chico, Chula Vista, Clovis El Cajon, Escondido, Fairfield, Fremont, Fresno, Modesto, Pacific Grove, Reeding, Sacramento, San Diego, Santa Maria and Visalia, CA, (b) Cedar Rapids, Davenport, Des Moines, Dubuque, Sioux City, and Waterloo, IA (c) Moline, Peoria, and Rockford, IL, (d) Indianapolis, IN, (e) Topeka and Wichita, KS, (f) Lincoln and Omaha, NE, (g) Las Vegas and Reno, NV, (h) New York, NY, (i) Tulsa, OK, (j) Chattanooga, Knoxville, Memphis, and Nashville, TN, (k) Beaumont, Brownsville, Bryan, Corpus Christi, El Paso, Galveston, Laredo, McAllen, Odessa, and Texarkana, TX, and (l) Charleston, WV, and replace with County-wide authority as follows: Los Angeles, Kern, Butte, San Diego, Fresno, Solano, Alameda, Stanislaus, Monterey, Shasta, Sacramento, Obispo, Santa Barbara and Tulare Counties, CA; Linn, Scott, Polk, Dubuque, Woodbury and Blackhawk Counties, IA; Rock Island, Henry, Peoria and Winnebago Counties, IL; Hendricks and Hancock Counties, IN; Shawnee and Sedgwick Counties, KS; Lancaster and Douglas Counties, NE; Clark and Washoe Counties, NV; New York, NY; Wagoner, Rogers, Tulsa, Pawnee Osage, and Creek Counties, OK; Marion, Hamilton, Anders, Knox, Shelby and

Davidson Counties, TN; Orange, Cameron, Brazos, San Patricio, El Paso, Galveston, Webb, Hidalgo, Ector and Bowie Counties, TX; and Kanawha County, WV; and (3) remove the AK and HI exceptions.

MC 144323 (Sub-8)X, filed May 18, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 5F, 6F, and 7F permits to (1) broaden the commodity descriptions from (a) steel wire and steel rods to "metal products", in Sub-No. 1F, (b) meats to "food and related products", in Sub-No. 2F, (c) magazines, books, periodicals and newspapers to "printed matter", in Sub-No. 5F, (d) polyethylene film and sheeting to "rubber and plastic products", in Sub-No. 6F, and (e) meats, meat products, and meat by-products, and articles distributed by meat-packing houses (except hides and commodities in bulk) to "food and related products", in Sub-No. 7F; and (2) broaden the territorial description to "between points in the U.S.," under continuing contract(s) with named shippers, in all permits.

MC 145059 (Sub-8)X, filed May 26, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description from glass tableware, to "clay, concrete, glass or stone products"; and (2) replace city with county-wide authority and authorize radial service between points in Cumberland County, NJ (Millville), (NJ), and, points in AZ, CA, OR, UT, and WA.

MC 145380 (Sub-2)X, filed May 18, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7266, Los Angeles, CA 90022. Representative: Dean McCormick (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 1F certificate to eliminate the restriction limiting service to the transportation of traffic moving on freight forwarders bills of lading.

MC 145423 (Sub-7)X, filed May 15, 1981. Applicant: C. VAN BOXELL TRANSPORTATION, INC., 763 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the

commodity description from coal tar and coal tar products, in bulk, in tank vehicles, to "chemicals and related products"; (2) broaden the territorial description from city-wide authority to county-wide authority: Detroit, MI, to Wayne, Macomb, Oakland, Washtenaw, and Monroe Counties, MI; and (3) authorize radial authority to replace existing one-way service between the above named counties, and, points in IL, IN, NJ, NY, OH, PA and WI.

MC 147131 (Sub-7)X, filed June 1, 1981. Applicant: KENNAMER BROTHERS, INC., P.O. Box 866, Grant, AL 35747. Representative: Donald B. Sweeney, Jr., 512 Massey Building, Birmingham, AL 35203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F and 6F certificates to (1) broaden the commodity descriptions from meats, meat products, meat by-products, articles distributed by meat-packing houses, and dairy products to "food and related products" in all the above authority; (2) delete commodity restrictions such as "except in bulk, in tank, hides" in all authority; (3) delete plantsite restrictions in all the above authority; (4) remove "originating at or destined to" restrictions in Sub-Nos. 4, 5 and 6; (5) broaden cities to counties: Austin, Owatonna, and Albert Lea, MN, with Mower, Steele, and Freeborn Counties, MN, in the lead; Albert Lea, MN, with Freeborn County, MN; Monmouth and Peoria, IL, with Warren and Peoria Counties, IL; Des Moines, Cherokee, and Cedar Rapids, IA, with Polk, Cherokee, and Linn Counties, IA, in Sub-No. 5; Logansport, IN, with Cass County, IN; Marshall, MO, with Saline County, MO, and Omaha, NE, with Douglas and Sarpy Counties, NE in Sub-No. 6, and (6) authorize radial authority in lieu of existing one-way authority between the counties named above and points in eastern and mid-western States in the above authority.

[FR Doc. 81-10965 Filed 6-9-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 F.R. 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-4-179

Decided: June 2, 1981.

By the Commission, Review Board 2, Members Carleton, Fisher and Williams.

MC 149416, filed May 21, 1981.
Applicant: R. J. MOSUR d.b.a. R.J. MOSUR & SON, P.O. Box 244, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203 (414) 278-7410. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-180

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 151747(Sub-5), filed May 20, 1981.
Applicant: WALTER BROTHERS TRUCKING, INC., 1266 No. Franklin St., Chambersburg, PA 17201. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442-8330. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10064 Filed 6-8-81; 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 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 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 become 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 OP1-163

Decided: June 1, 1981.

By the Commission, Review Board Number 3, Members Parker, Chandler, and Fortier, Member Fortier not participating in part.

Applicant: NEWMAN BROS. TRUCKING COMPANY, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *general commodities*, between Bonita Junction, Mahl, Trawick, Cushing Sacul, Reklaw, Stryker Creek, Ponta, Jacksonville, Frankston, Poynor, La Rue, Smitty, Athens, Forest Grove, Eustace, Mabank, Kemp, Kaufman, Crandall and Seagoville, TX, on the one hand, and, on the other, points in the U.S.

Note—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 147900 (Sub-5), filed May 27, 1981. Applicant: COLLINS FREIGHT SERVICE, 4073 Hooker Rd., Rosenberg, OR 97470. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228-5275. 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 150801 (Sub-2), filed May 27, 1981. Applicant: ZIPP EXPRESS, INC., 718 N. Senate Ave., Indianapolis, IN 46202. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 838-1301. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152670, filed May 27, 1981. Applicant: CANNON MOVING & STORAGE, INC., 18335 Iona Ave., Lemoore, CA 93245. Representative: Trucia Hedge (same address as applicant), (209) 924-5328. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 156091, filed May 21, 1981. Applicant: RICHARD MARRS, P.O. Box 154, Rogers, MN 55374. Representative: Richard Marrs (same address as applicant), (612) 428-4894. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural*

limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No OPY-4-172

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 152516 (Sub-2), filed May 20, 1981. Applicant: A & E ASSOCIATES, INC., 3710 South California Ave., Chicago, IL 60632. Representative: Gregory A. Stayart, Suite 1600, 10 South LaSalle St., Chicago, IL 60603, (312) 263-1600. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-16957 Filed 6-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc 81-13050, published at page 24325, on Thursday, April 30, 1981, on page 24327, in the third column, in the second paragraph "MC 118537 (Sub-25)", in the fourteenth line, "IL, IN" should be corrected to read "IL, IA, IN".

BILLING CODE 1505-01-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 these applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual

operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-164

Decided: June 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier, Member Fortier not participating in part.

MC 7840 (Sub-No. 43), filed May 26, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628-9243. Transporting *metal products, machinery, clay, concrete, glass or stone products, and waste and scrap materials*, between the facilities of

Revere Copper and Brass, Inc., and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 45721 (Sub-11), filed May 22, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Ave., East Orange, NJ 07018. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600.

Transporting *passengers and their baggage*, in charter operations, between points in NY, NJ, PA, DE, MA, RI, MD, NH, ME, CT, and DC.

MC 75840 (Sub-164), filed May 22, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222, (205) 323-6721. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, (3) *printed matter*, (4) *chemicals and related products*, (5) *rubber and plastic products*, and (6) *clay, concrete, glass or stone products*, between points in New Castle County, DE, Burlington, Passaic, Hudson, and Bergen Counties, NJ, Bucks County, PA, and Monroe County, NY, on the one hand, and, on the other, points in VA, TX, FL, NJ, MD, KY, MO, IL, OH, and PA.

MC 82841 (Sub-314), filed May 27, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting (1) *forest products*, and (2) *lumber and wood products*, between the facilities of Vanply, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 94430 (Sub-54), 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, (614) 481-8821. Transporting *petroleum, natural gas and their products*, between points in Marshall, WV, on the one hand, and, on the other, points in OH.

MC 108341 (Sub-207), filed May 27, 1981. Applicant: MOSS TRUCKING COMPANY, INC., 3027 North Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant), (704) 372-3611. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 108461 (Sub-137), filed May 26, 1981. Applicant: SUNDANCE FREIGHT

INES, INC., 3737 West Buckeye Rd., Phoenix, AZ 85009. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with S. E. Rykoff of Phoenix, AZ.

MC 109780 (Sub-77), filed May 26, 1981. Applicant: TRAILWAYS, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. Over regular routes, transporting *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Hebron, NE and Beatrice, NE, over U.S. Hwy 136, serving all intermediate points.

MC 111201 (Sub-54), filed May 27, 1981. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321-1765. Transporting *pulp, paper and related products, rubber and plastic products, lumber and wood products, and such commodities* as are dealt in by home improvement centers, between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 117730 (Sub-88), filed May 11, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726-9722. Transporting *food and related products*, (1) between New York, NY, Baltimore, MD, and Philadelphia, PA, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, OH, PA, WV, and WI, and (2) between Albany, NY, Newark, NJ, Wilmington, DE, Charleston, SC, and Mobile, AL, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, and WI.

MC 129031 (Sub-10), filed May 22, 1981. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 No. Avenue 18, Los Angeles, CA 90031. Representative: William Davidson, 5501 Pacific Blvd., Huntington Park, CA 90255, (213) 589-6073. Transporting *textile mill products, and such commodities* as are dealt in by retail department stores and retail chain stores, between points in the U.S., under continuing contract(s) with California Vendor Consolidators Corp., of City of Commerce, CA, Anita Shops, of Los Angeles, CA, and May Department Stores Company, of New York, NY.

MC 135921 (Sub-1), filed May 21, 1981. Applicant: HARCO TRUCKING CORPORATION 86 Garden St., Westbury, NY 11590. Representative:

Peter Gregory Lordi, Jr., 4 Richard Ct., Butler, NJ 07405, (201) 429-8050. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Harmon Associates Corporation, of Westbury, NY, and Chesapeake Corporation of VA, West Point, VA.

MC 138861 (Sub-33), filed May 26, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, (201) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Juice Services, Inc., of Lincoln, RI.

MC 141950 (Sub-2), filed May 21, 1981. Applicant: IOWA MINNESOTA EXPRESS, LTD., 2216 5th Ave. South, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *food and related products*, between points in Webster County, IA, on the one hand, and, on the other, points in the U.S.

MC 145321 (Sub-2), filed May 11, 1981. Applicant: RAY L. RICHTER, d.b.a. WOOD-PLY MATERIALS TRADING & TRANSPORT CO., P.O. Box 23127, Portland, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227-1681. Transporting *building materials*, between points in OR, WA, ID, NV, CO, AZ, and NM.

MC 146180 (Sub-8), filed May 26, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between point in the U.S., under continuing contract(s) with (a) Allegheny International of Pittsburgh, PA, (b) Carmet, Inc., of Kings Mountain, NC, and (c) Chemetron Fire Systems of Granite Quarry, NC.

MC 147461 (Sub-7), filed May 22, 1981. Applicant: FEDERAL ARMORED EXPRESS, INC., 7675 Canton Center Dr., Baltimore, MD 21224. Representative: Eugene T. Lipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036, (202) 452-7442. Transporting *currency, coin, securities, and other valuables*, between points in the U.S., under continuing contract(s) with banks and banking institutions.

MC 148791 (Sub-14), filed May 26, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative:

Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *soil sealant* between points in the U.S., under continuing contract(s) with Seepage Control, Inc., of Phoenix, AZ.

MC 148791 (Sub-15), filed May 26, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kerley Chemical Corporation, of Phoenix, AZ.

MC 148791 (Sub-16), filed May 26, 1981. Applicant: TRANSPORT-WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Church & Dwight Co., Inc., of Piscataway, NJ.

MC 148831 (Sub-4), filed May 27, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.R. #1, Box 57, Tiro, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *food and related products*, between points in Emmet and Woodbury Counties, IA, Minnehaha County, SD, and Martin and Nobles Counties, MN, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 149541 (Sub-2), filed May 15, 1981. Applicant: LEBARNOLD, INC., 625 South 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerney, 1000 16th St., N.W. #502, Washington, DC 20036, (202) 783-8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Armstrong World Industries, Inc., of Lancaster, PA, (b) E and B Carpet Mills, Inc., of Arlington, TX, (c) Empire Carpet Corporation of Teterboro, NJ, and (d) Thomasville Furniture Industries, Inc., of Thomasville, NC.

MC 149590 (Sub-2), filed May 27, 1981. Applicant: BOB STEWART TRUCKING, INC., 2607 Crosby, Bldg., 2-C, Klamath Falls, OR 97601. Representative: John A. Anderson, Suite 1600—One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *machinery*, between points in CA, ID, NV, OR, and WA.

MC 152671 (Sub-2), filed May 21, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Columbine, division of Venta, Inc., of Denver, CO.

MC 154040, filed May 22, 1981. Applicant: JAY-MAR LEASING, INC., 7756 South Mobile, Burbank, IL 60459. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726-9722. Transporting *textile mile products*, between points in IL, WI, MI, IN, IA, and MO.

MC 154640 (Sub-1), filed May 22, 1981. Applicant: THE SMITHFIELD PACKING COMPANY, INCORPORATED, P.O. Box 447, Smithfield, VA 23430. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627-0070. Transporting (1) *food and related products* and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Camellia Food Stores, Inc., of Norfolk, VA, L. M. Sandler & Sons, Inc., of Virginia Beach, VA, and Beverage Capital Corporation, of Baltimore, MD.

MC 154960 (Sub-1), filed May 22, 1981. Applicant: WALTCO CORPORATION, 117 Valley Dr., Cartersville, IL 62918. Representative: Archie T. Walters, 6514 Maxwell Dr., Woodridge, IL 60515, (312) 968-4066, (312) 930-1050. Transporting *food and related products*, and *grain products*, between points in (1) IL and IN, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MO, MS, NC, SC, and TN, and (2) IL and IN.

MC 155210 (Sub-1), filed May 12, 1981. Applicant: S. B. MORABITO TRUCKING, INC., 3560 E. 55th St., Cleveland, OH 44105. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *commodities in bulk*, between Buffalo, NY, and points in OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, AR, and LA.

MC 154211, filed May 22, 1981. Applicant: RECYCLING INDUSTRIES, INC., 385 Quincy Ave., Braintree, MA 02184. Representative: Donald L. Corey (same address as applicant), (617) 848-0612. Transporting *hazardous materials*, between those points in the United States 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 boundaries of Itasca County, MN, then northward

along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Condition: to the extent that any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall expire 5 years from its date of issuance.

MC 155311, filed May 27, 1981. Applicant: SUNCO CARRIERS, INC., 2029 West Memorial Blvd., P.O. Box 2611, Lakeland, FL 33803. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256-4320. Transporting *food and related products*, between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 155580, filed May 22, 1981. Applicant: MEBANE TRUCKING COMPANY, a Corporation, P.O. Box 408, Mebane, NC 27302. Representative: Terrell C. Clark, P.O. Box 25, Stanleystown, VA 24168, (703) 629-2818. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mebane Packaging Corporation, of Mebane, NC.

MC 156120, filed May 26, 1981. Applicant: RENAISSANCE LIMOUSINE SERVICES, INC., 79 Wall St., New York, NY 10005. Representative: Leonard M. Simon, 90 Broad St., New York, NY 10004, (212) 344-8790. Transporting *passengers and their baggage*, in round trip operations, beginning and ending at points in the New York, NY Commercial Zone, and extending to Atlantic City, NJ.

MC 156121, filed May 26, 1981. Applicant: KOPF TRUCKING, INC., 18470 Victoria Dr., Goshen, IN 46526. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting *food and related products*, between points in IA, IL, IN, KY, MI, MN, MO, NE, OH, SD, and WI.

MC 156131, filed May 26, 1981. Applicant: FOX TRANSPORT CO., 303 E. Orleans St., Paxton, IL 60957. Representative: William L. Fox (same address as applicant), (217) 379-2521. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Baltimore Aircoil Co., Inc., Midwest Division, of Paxton, IL.

MC 156151, filed May 27, 1981. Applicant: TRI-COUNTY TECHNICAL COLLEGE, P.O. Box 587, Pendleton, SC 29670. Representative: Charles Gibson (same address as applicant), (803) 646-8361. As a *broker*, at Pendleton, SC, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Anderson,

Pickens and Oconee Counties, SC, and extending to points in the U.S.

MC 156160, filed May 22, 1981. Applicant: BILL ROSS AND SON TRUCKING, INC., Route 6, Box 328, Dowagiac, MI 49047. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394-4222. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Foremart Containers, Inc., of Cedarburg, WI.

MC 156170, filed May 26, 1981. Applicant: METRO MOVING & STORAGE, INC., 11825 Mayfield, Livonia, MI 48150. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods*, between points in MI, on the one hand, and, on the other, points in MN, WI, MI, IA, MO, OK, TX, AR, LA, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, and DC.

Volume No. OPY-2-086

Decided: May 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 8243 (Sub-2F), filed May 18, 1981. Applicant: VILLANI BUS COMPANY, INC., 811 East Linden Avenue, Linden, NJ 07036. Representative: Jeremy Kahn, 733 Investment Building, 1511 K Street, N.W., Washington, DC 20005. Transporting *passengers and their baggage*, in the same vehicle with passengers in round trip charter operations beginning and ending at points in NJ and extending to points in the U.S.

MC 47583 (Sub-146), filed May 20, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913-843-0110. Transporting (1) *lumber and wood products*, (2) *petroleum, natural gas and their products*, and (3) *coal and coal products*, between points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 52793 (Sub-70), filed May 11, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60162. Representative: Ronald L. Hartman, Ernest E. Gallego, 777 Flower Street, Glendale, CA 91201, 213-506-1200. Transporting *automobiles*, between points in the U.S.

MC 52793 (Sub-71), filed May 12, 1981. Applicant: BEKINS VAN LINES CO., 333

S. Center Street, Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with The Babcock & Wilcox Company, of Barberton, OH.

MC 97862 (Sub-2), filed May 11, 1981. Applicant: J. R. BATEMAN WAREHOUSE, INC., 12 Summit Street, P.O. Box 151, Peabody, MA 01960. Representative: John M. O'Brien (same address as applicant), 617-532-1909. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, RI, and VT. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of Certificate of Registration in No. MC-97862.

MC 107012 (Sub-714), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *household appliances* between San Diego County, CA, on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, IA, ID, KS, LA, MN, MS, MT, ND, MN, OK, OR, SD, TN, TX, UT, WA, and WY.

MC 107012 (Sub-715), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *general commodities* (except classes A and B explosives) between points in Hennepin, Ramsey, Winona, and Wabasha Counties, MN, Tarrant County, TX, Middlesex County, NJ, Cook County, IL, and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-716), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *clothing*, between points in the U.S.

MC 107012 (Sub-717), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *metal products*, between points in Hill County, TX, on the one hand, and, on the other, points in AZ, NM, CO, WY, MT, UT, ND, SD, NE, KS, OK, AR, LA, MS, AL, and TN.

MC 107012 (Sub-718), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant) (219) 429-2224. Transporting *general commodities* (except class A and B explosives), between points in the U.S. under continuing contracts(s) with Apple Computer, Inc., of Cupertino, CA.

MC 107012 (Sub-719), filed May 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429-2110. Transporting *appliances*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, WY, and Dane County, WI.

MC 109172 (Sub-13), filed May 18, 1981. Applicant: NATIONAL MOTOR FREIGHT, INC. d.b.a. NATIONAL TRANSFER, INC., 5265 Utah South, Seattle, WA 98134. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055 (206) 235-4730. Transporting *general commodities* (except classes A and B explosives), between points in ID, OR, and WA.

MC 112822 (Sub-489), filed May 20, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant) 918-225-0365. Transporting *pulp, paper and related products*, between points in WI, on the one hand, on the other, points in CO, KS, MO, OK, and TX.

MC 114123 (Sub-53), filed May 13, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, Esquire, P.O. Box 1146, Harrisburg, PA 17108 (717) 233-5731. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 115413 (Sub-8), filed May 20, 1981. Applicant: BLISSFIELD TRUCK LINE, INC., 1-22155-SH2, Box 245, Archbold, OH 43502. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, 614-228-8575. Transporting *general commodities* (except classes A and B explosives), between points in Monroe, Lenawee, and Hillsdale Counties, MI, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

Note—Applicant intends to tack this authority with its existing regular-route authority.

MC 135152 (Sub-52), filed May 19, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202 (513) 241-4037. Transporting *such commodities* as are dealt in or used by manufacturers of games and toys, between Louisville, KY, on the one hand, and, on the other, points in the U.S.

MC 139482 (Sub-191), filed May 20, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (same address as applicant) 507-354-8548. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of hospital supplies, between points in the U.S.

MC 141742 (Sub-15), filed May 13, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O. Box B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111, 415-986-1414. Transporting *lumber and wood products, pulp, paper, and related products, and building materials*, between points in the U.S., under continuing contract(s) with Louisiana Pacific Corporation, of Samoa, CA.

MC 142672 (Sub-170), filed May 18, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72701, 501-521-8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpets, between the facilities of Trend Carpets, Inc., at Floyd County, GA, on the one hand, and, on the other, points in the U.S.

MC 144323 (Sub-9), filed May 18, 1981. Applicant: RICHARD P. CHARAPATA d.b.a. CHARAPATA TRUCKING, N30 W26486 Peterson Dr., Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273-7410. Transporting (1) *food and related products*, under continuing contract(s) with Wisconsin Beef Industries, Inc., of Eau Claire, WI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, under continuing contracts(s) with Cargill, Incorporated, Salt Division, of Minneapolis, MN, between points in the U.S.

MC 144572 (Sub-50), filed May 11, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, POB

G. Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892-6700. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Sealright Company, Inc., of Kansas City, KS.

MC 145353 (Sub-2), filed May 18, 1981. Applicant: NELSON TRANSPORT, INC., P.O. Box 251, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424 (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Seeco, Inc., (b) Gillis Ag. Systems, Inc., both of Willmar, MN, and (c) Pennzoil Products Company, of Oil City, PA.

MC 145402 (Sub-12), filed May 20, 1981. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 (608) 238-3119. Transporting *general commodities* (except classes A and B explosives), between points in WI and the Lower Peninsula of MI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

MC 151162 (Sub-7), filed May 12, 1981. Applicant: LOWELL E. CAWOOD d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of candy and confectionery products, (1) between points in McLennan County, TX, on the one hand, and, on the other, points in AZ, CA, IA, IL, IN, KS, KY, MI, MN, ND, NE, NJ, NY, OH, PA, SD, TN, WI, and WV, and (2) between Hackettstown, NJ, and points in Lancaster County, PA, on the one hand, and, on the other, points in AR, AZ, CA, CO, KS, LA, NM, NV, OK, OH, TN, TX, and UT.

MC 155773, filed May 20, 1981. Applicant: GERALD J. GROB d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wynegaard, 150 East Gilman St., Madison, WI 53703, 608-256-7444. Transporting (1) *rubber and plastic products*, and (2) *food and related products*, between points in Dane County, WI, on the one hand, and, on the other, points in the U.S.

MC 155773 (Sub-1), filed May 20, 1981. Applicant: GERALD J. GROB d.b.a. JB & J TRUCKING, 5124 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wynegaard, 150 East Gilman St., Madison, WI 53703, 608-256-7444.

Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpet, between points in GA, on the one hand, and, on the other, points in CO and WI.

MC 155903, filed May 12, 1981. Applicant: DAHLIA PLANTATION, INC., Route 2, Box 18, Tallulah, LA 71282. Representative: Gene Laird (same address as applicant) 318-574-0650 and 574-3632. Transporting (1) *mercer commodities*, (a) between points in Madison and Ouachita Parishes, LA, on the one hand, and, on the other, points in the U.S., (b) between points in Madison and Ouachita Parishes, LA, and (2) *such commodities* as are dealt in or used by manufacturers, assemblers, and distributors of tanks and tank parts, and metal products, between points in Madison Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 155922, filed May 11, 1981. Applicant: S.B.S. TRUCKING, 523 Sims Drive, Saraland, AL 36571. Representative: Shelby White (same address as applicant) 205-675-3893. Transporting *lumber and wood products*, between points in AL, FL, GA, LA, MS, and TN.

MC 155933, filed May 11, 1981. Applicant: R & B TRUCKING, INC., 1226 Linden Avenue, Minneapolis, MN 55403. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402 (612) 339-4546. Transporting (1) *pulp, paper and related products*, between points in Outagamie, Shawano and Wood County, WI, Milwaukee, WI, Minneapolis, MN, Kane County, IL; (2) *printed matter* between Minneapolis, MN and Milwaukee, WI, on the one hand, and, on the other, points in IL, IA, MN, SD, and WI.

MC 156063, filed May 20, 1981. Applicant: LEONARD LARSEN, 10105-A S.W. Day, Sherwood, OR 97140. Representative: Earle V. White, 2400 S.W. 4th Ave., Portland, OR 97201, 503-226-6491. Transporting *food and related products*, between points in Multnomah County, OR, on the one hand, and, on the other, points in Walla Walla, Franklin, Grant, Benton, and Yakima Counties, WA.

Volume No. OPY-2-088

Decided: May 29, 1981.

By the Commission. Review Board Number 1, Members Parker, Chandler, and Fortier.

FF-442 (Sub-5), filed May 18, 1981. Applicant: C-LINE FORWARDING, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St. NW, Suite 501, Washington, DC 20036. As a freight forwarder, in connection with the transportation of

general commodities (except classes A and B explosives), between points in the U.S.

MC 2392 (Sub-141), filed May 20, 1981. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 810, 7171 Mercy Rd., Omaha, NE 68106. Transporting *commodities in bulk*, between points in LA, AR, IL, WI, MO, MN, IA, ND, SD, NE, KS, OK, TS, NM, CO, and WY.

MC 48113 (Sub-6), filed May 26, 1981. Applicant: MERCURY VAN LINES, INC., 18930 Gaithersburg-Laytonville Road, Gaithersburg, MD 20760. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902 (301) 649-5074. Transporting *household goods, furniture and fixtures, and machinery*, (a) between those points in the U.S. on and east of U.S. Hwy. 85, and (b) between those points in the U.S. on and east of U.S. Hwy. 85, on the one hand, and, on the other, those points in the U.S. west of U.S. Hwy. 85.

MC 58923 (Sub-69), filed May 13, 1981. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Fritz R. Kahn, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036, 202-452-7484. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) Between Vicksburg, MS, and Los Angeles, CA: from Vicksburg over Interstate Hwy 20 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, and return over the same route, serving all intermediate points; (2) Between Memphis, TN, and Chicago, IL, over Interstate Hwy 55, serving all intermediate points; and (3) Between Knoxville, TN, and Cincinnati, OH, over Interstate Hwy 75, serving all intermediate points.

MC 65802 (Sub-76), filed May 14, 1981. Applicant: LYNDEN TRANSPORT, INC., 6515 W. Marginal Way, Southwest, Seattle, WA 98106. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. Transporting for or on behalf of the United States Government *hazardous materials* (except secret materials and sensitive weapons and munitions), between points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 85482 (Sub-3), filed May 20, 1981. Applicant: ACME MOTOR FREIGHT SERVICE, INC., 3333 S. Iron St., Chicago, IL 60608. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600,

Chicago, IL 60603, 312-263-1600. Transporting *general commodities* (except classes A and B explosives), between points in Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry and Will Counties, IL and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL. Condition: Issuance of a certificate here is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC 85482 Sub No. 2, issued January 7, 1981.

MC 107012 (Sub-720), filed May 20, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *furniture and fixtures*, between points in Dakota and Hennepin Counties, MN, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, ID, KS, KY, MT, NC, ND, NM, NV, OK, OR, SC, SD, TN, TX, UT, WA, and WY.

MC 135152 (Sub-51), filed May 15, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St., Cincinnati, OH 45202 (513) 241-4037. Transporting *pulp, paper and related products*, between Trenton, NJ, and points in Mercer and York Counties, PA, on the one hand, and, on the other, points in KY, OH, and WV.

MC 142352 (Sub-9), filed May 15, 1981. Applicant: HAUSMAN TRUCKING, INC., 607 "D" Ave., Vinton, IA 52349. Representative: Jack H. Blanshan, 4839 Osgebrook Rd., Waterloo, IA 50701, 312-698-2243. Transporting *such commodities* as are dealt in by food business houses, between the facilities of Hunt-Wesson Foods, Inc., at points in IL, on the one hand, and, on the other, points in IA.

MC 145042 (Sub-11), filed May 22, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 489-5724. Transporting *food and related products*, between points in MI, on the one hand, and, on the other, points in IL, IN, OH, WI, MN, ND, SD, IA, MO, KY, TN, WV, VA, PA, NY, NJ, NC, and FL.

MC 147173 (Sub-64), filed May 14, 1981. Applicant: C & T TRUCKING, INC., 1050 Brookside Dr., Richmond, CA 94806. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *such*

commodities as are dealt in or used in the manufacture, construction and maintenance of telephone equipment and telephone systems, between points in Maricopa County, AZ, on the one hand, and, on the other, points in Alameda, San Diego, Sacramento, and Los Angeles Counties, CA.

MC 148203 (Sub-4), filed May 13, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, RD #2, Frankfort, NY 13340. Representative: Murray J. S. Kirshtein, 118 Bleecker St., Utica, NY 13501, (315) 797-1970. Transporting *foodstuffs* between points in the U.S., under continuing contract(s) with Beech-Nut Foods Corporation, of Canajoharie, NY.

MC 150242 (Sub-3), filed May 21, 1981. Applicant: BRIAN DAWN TRUCKING, INC., Box 164, Tremont, IL 61568. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *feed, feed ingredients, dog food ingredients and meat scraps*, between points in IL, on the one hand, and, on the other, points in IA, IN, MI, MO and WI.

MC 151173 (Sub-3), filed May 13, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr. (same as applicant), (404) 478-4115. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Paradise and Co., Inc., of Atlanta, GA.

MC 151412 (Sub-1), filed May 19, 1981. Applicant: TALENT ANSWERING AND PURCHASING SERVICE, 251 Valley View Rd., Talent, OR 97540. Representative: Gary E. Stanley, 111 Valley View St., Talent, OR 97540, (503) 535-2847. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *chemicals and related products*, (5) *such commodities* as are dealt in or used by manufacturers and distributors of garden products, (6) *forest products*, and (7) *clay, concrete, glass, and stone products*, between points in WA, OR, CA, NV, and AZ.

MC 152033 (Sub-4), filed May 22, 1981. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Union Camp Corporation, its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153813, filed May 20, 1981.
Applicant: MIDWEST PACIFIC
TRANSPORT, INC., 1351 S. 351st St.,
Federal Way, WA 98003.

Representative: Bruce A. Wolf, 2120
Pacific Bldg., Seattle, WA 98104, (206)
624-5370. Transporting *building
materials*, between points in the U.S.,
under continuing contract(s) with Mr.
Plywood, of Beaverton, OR.

MC 153813 (Sub-1), filed May 15, 1981.
Applicant: MIDWEST PACIFIC
TRANSPORT, INC., 1351 S. 351st St.,
Federal Way, WA 98003.

Representative: Bruce A. Wolf, 2120
Pacific Bldg., Seattle, WA 98104, (206)
624-5370. Transporting *metal products*,
between points in the U.S., under
continuing contract(s) with Marmon-
Keystone, of Auburn, WA.

MC 155953F, filed May 14, 1981.
Applicant: WADLEIGH'S, INC., d.b.a.
KENOCO, 21 Water St., Hallowell, ME
04347. Representative: Donn G. Gifford
(same as applicant), (207) 622-6301.
Transporting *crushed glass* between
points in the U.S., under continuing
contract(s) with Maine Recycling, Inc.,
of Topsham, ME.

MC 156032 (Sub-1), filed May 18, 1981.
Applicant: LEROY LEATHAM d.b.a.
ROY LEATHAM TRANSPORT, INC.,
5217 S.E. Aldercrest Rd., Milwaukie, OR
97222. Representative: John H. King,
50015 S.E. Coalman Rd., Sandy, OR
97055, 503-608-4742. Transporting *lumer
and wood products*, between points in
the U.S., under continuing contract(s)
with Hampton Lumber Sales Co., of
Portland, OR.

MC 156093 filed May 21, 1981.
Applicant: LIZARD EXPRESS, 1515
West Mission Road, Alhambra, CA
91803. Representative: Marc A.
Bronstein, 10517 Santa Monica
Boulevard, Los Angeles, CA 90025, (213)
474-6504. Transporting *food and related
products and machinery*, between
points in the U.S., under continuing
contract(s) with (a) Fritz Bottling Co.,
Inc., of Parker, AZ, (b) Sun Valley
Beverage, Inc., of Yuma, AZ, and (c) III
Counties Distributing Co., Inc., of
Safford, AZ.

Volume No. OPY-2-090

Decided: May 28, 1981.

By the Commission, Review Board Number
1, Members Parker, Chandler and Fortier.

MC 107012 (Sub-712), filed May 15,
1981. Applicant: NORTH AMERICAN
VAN LINES, INC., 5001 U.S. Hwy 30
West, P.O. Box 988, Fort Wayne, IN
46801. Representative: David D. Bishop
(same address as applicant) 219-429-
2110. Transporting *such commodities* as
are dealt in or used by manufacturers

and distributors of containers, container
ends, and closures, between points in
Cook County, IL, on the one hand, and,
on the other, points in the U.S.

MC 118612 (Sub-14), filed May 14,
1981. Applicant: COLUMBIA
TRUCKING, INC., 700 131st Pl.,
Hammond, IN 46320. Representative:
Richard A. Kerwin, 180 North La Salle
St, Chicago, IL 60601. Transporting
*petroleum, natural gas and their
products, and coal and coal products*,
between points in Vigo County, IN and
Chicago, IL.

MC 128932 (Sub-16), filed May 19,
1981. Applicant: COMMERCIAL
STORAGE & DISTRIBUTION
COMPANY, 432 Richmond Rd.,
Texarkana, TX 75501. Representative:
Alan F. Wohlstetter, 1700 K St. NW,
Washington, DC 20006, 202-833-8884.
Transporting (1) *food and related
products*, between points in Tarrant,
Dallas, Harrison, and Marion Counties,
TX, on the one hand, and, on the other,
points in Miller and Little River
Counties, AR, and (2) *petroleum, natural
gas and their products*, between points
in Bossier and Caddo Parishes, LA and
McLennon and Hill Counties, TX, on the
one hand, and, on the other, points in
Miller and Little River Counties, AR,
and Bowie and Cass Counties, TX.
Condition: To the extent any certificate
issued in this proceeding authorizes the
transportation of classes A and B
explosives, it shall be limited in point of
time to a period expiring 5 years from its
date of issuance.

MC 129262 (Sub-8), filed May 18, 1981.
Applicant: AYERS AND MADDUX,
INC., 144 Escalada Drive, P.O. Box 1848,
Nogales, AZ 85621. Representative: Fred
H. Mackensen c/o Murchison & Davis,
2029 Century Park East, Suite 4150, Los
Angeles, CA 90067, 213-879-5955.
Transporting *food and related products*,
between ports of entry on the
international boundary line between the
United States and the Republic of
Mexico, and points in TX, NM, AZ, and
CA, on the one hand, and, on the other,
points in the U.S.

MC 149282 (Sub-2), filed May 18, 1981.
Applicant: CLIFFORD A. PARKHURST,
1229 Dakota North, Huron, SD 57350.
Representative: Thomas J. Simmons,
5301 North Cliff, Box 380, Sioux Falls,
SD 57101, (605) 339-3629. Transporting
transportation equipment, between
points in IL and MN, on the one hand,
and, on the other, points in SD.

MC 151482 (Sub-2), filed May 13, 1981.
Applicant: ROCK VALLEY CONTRACT
CARRIERS, INC., 3571 Merchandise
Drive, Rockford, IL 61109.
Representative: Henry M. Wick, Jr.,
2310. Grant Building, Pittsburgh, PA

15219, 412-471-1800. Transporting
*machinery, printed matter, and food and
related products*, between points in the
U.S., under continuing contract(s) with
(a) Economics Lab, Inc., of S. Beloit, IL,
(b) Peabody-Welles, Inc., of Beloit, WI,
(c) Kable News Co., of Mt. Morris, IL, (d)
Swiss Colony, Inc., of Monroe, WI, and
(e) Swiss Colony Stores, Inc., of Monroe,
WI.

MC 153913 (Sub-3), filed May 18, 1981.
Applicant: MISSOURI ALCOHOL FUEL,
INC., 408 Thompson Bldg., Tulsa, OK
74103. Representative: Robert J. Wiruth
(same address as applicant) (314) 636-
8135. Transporting *petroleum, natural
gas and their products*, between points
in MO, on the one hand, and, on the
other, points in KS. Condition: To the
extent any certificate issued in this
proceeding authorizes the
transportation of classes A and B
explosives, it shall be limited to a period
expiring 5 years from its date of
issuance.

MC 155362, filed May 11, 1981.
Applicant: HOOSIER
TRANSPORTATION SYSTEM, INC., 501
Sam Ralston Rd., Lebanon, IN 46052.
Representative: John T. Wirth, 717-17th
St., Ste. 2600, Denver, CO 80202, (303)
892-6700. Transporting *pulp, paper and
related products, lumber and wood
products, chemical and related
products, and plastic and rubber
products*, between the facilities used by
International Paper Company, at points
in the U.S., on the one hand, and, on the
other, points in the U.S.

MC 155573, filed April 28, 1981.
Applicant: M.S.R. TRUCKING, INC., 440
Hwy 29, N., Concord, NC 28525.
Representative: Bill Martin (same
address as applicant), 704-788-3182.
Transporting *general commodities*
(except classes A and B explosives),
between points in VA, WV, TN, NC, SC,
GA, FL and AL.

MC 155932, filed May 11, 1981.
Applicant: BELL TRUCKING
COMPANY, INC., 131 Cecilianna Drive,
Elizabethtown, KY 42701.
Representative: Herbert D. Liebman,
P.O. Box 478, Frankfort, KY 40602, 1-
502-875-3493. Transporting *such
commodities* as are dealt in or used by
manufacturers and sellers of asphalt
flux, asphalt cement, and emulsified
asphalt, between points in Jefferson
County, KY, on the one hand, and, on
the other, 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.

MC 156022, filed May 18, 1981. Applicant: M & J SUMMERS TRUCKING, INC., 500 Evans St., Covington, IN 47933. Representative: Richard C. Kraege, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639-4511. Transporting *coal and coal products*, between points in Fountain County, IN, on the one hand, and, on the other, points in IL.

MC 156023, filed May 18, 1981. Applicant: TRAILER TRANSIT, INC., R.D. No. 1, Forsythe Rd., Presto, PA 15142. Representative: John A. Vuona, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *trailers*, between points in CT, DE, IL, IN, KY, MD, MA, MI, NC, NJ, NY, OH, PA, VA, WV, and DC.

MC 156032, filed May 18, 1981. Applicant: LEROY LEATHAM, d.b.a. ROY LEATHAM TRANSPORT, INC., 5217 S.E. Aldercrest Rd., Milwaukie, OR 97222. Representative: John H. King, 50015 S.E. Coalman Rd., Sandy, OR 97055, (503) 668-4742. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Workmans Forest Products, Inc., of Clackamas, OR.

MC 156062, filed May 19, 1981. Applicant: NYACK BUS CO., INC., 88 Brookside Ave., Nyack, NY 10960. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759-3700. Transporting *passengers and their baggage*, in special and charter operations, in the same vehicle with passengers, beginning and ending at points in Rockland County, NY, and extending to points in the U.S.

Volume No. OPY-4-173

Decided: June 2, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 64806 (Sub-19), filed May 27, 1981. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting *furniture and fixtures*, between points in NC and VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 76268 (Sub-147), filed May 22, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box

6010, West St. Paul, MN 55118 (612) 457-6889. Transporting *electrical equipment*, between the facilities of Gould, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 79646 (Sub-1), filed May 27, 1981. Applicant: BROOKS TRANSFER AND STORAGE CO., INC., 1301 North Blvd., Richmond, VA 23230. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Washington, DC 20036. Transporting *household goods*, between points in NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, WV, OH, VA, NC, SC, TN, GA, FL, and DC, on the one hand, and, on the other, points in the U.S. except AK, HI, ID, MT, ND, SD, UT, and WY.

MC 107576 (Sub-35), filed May 27, 1981. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Ave., Portland, OR 97214. Representative: Ronald D. Browning (same address as applicant) (503) 239-5747. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 136816 (Sub-13), filed May 27, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Transporting *building materials*, between Chicago, IL, on the one hand, and, on the other, points in NE, IA, MO, KS, MN, WI, MI, OH, and NJ.

MC 138466 (Sub-3), filed May 27, 1981. Applicant: R M K TRUCKING, INC., 2200 South Laflin, Chicago, IL 60608. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522-2322. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with American Can Company, of Meridian, MS.

MC 148376 (Sub-3), filed May 27, 1981. Applicant: BILCO TRANSPORTATION, INC., 660 Riverside Blvd., Watsonville, CA 95076. Representative: Eldon M. Johnson, 650 California St., San Francisco, CA 94108. Transporting *food and related products*, between points in CA, ID, OR, and WA.

MC 149406 (Sub-13), filed May 27, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402. Transporting *machinery* between points in MN, on the one hand, and, on the other, points in CO, IA, ID, IL, IN, MT, NE, ND, OR, SD, WA, WI, and WY.

MC 151826 (Sub-5), filed May 27, 1981.

Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, DC 20036, (202) 785-0048. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hercules Incorporated, of Wilmington, DE.

MC 154386, filed May 27, 1981. Applicant: DALE WILSON TRUCKING, INC., Route 41 North, P.O. Box 462, Greenfield, OH 45123. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, between points in McLean County, IL, Crawford County, KS, and Montgomery and Fayette Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 154396, filed May 27, 1981. Applicant: LORENZ MANUFACTURING COMPANY, a Corporation, Route 3, P.O. Box 127, Benson, MN 56215. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55406, (612) 340-0808. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Supreme Pet Food Company, of De Graff, MN.

MC 154836, filed May 27, 1981. Applicant: R.T. FISHER, INC., 107 Water Lane, P.O. Box 1383, Tappahannock, VA 22560. Representative: Randolph T. Fisher (same address as applicant), (804) 443-3250. Transporting *automobile parts*, between points in the U.S., under continuing contract(s) with U.S. Automotive Manufacturing, Inc., of Tappahannock, VA.

MC 155206, filed May 27, 1981. Applicant: WILLIAM A. SIMMONS AND MERLIN E. HUDSON, d.b.a. S & H TRUCKING, 1305 E. Washington, Washington, IA 52353. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *sand*, between Madison and Ogle Counties, IL on the one hand, and, on the other, points in Washington County, IA.

Agatha L. Mergenovich,
Secretary.

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

BILLING CODE 7035-01-M

**INTERNATIONAL DEVELOPMENT
COOPERATION AGENCY****Agency for International Development****[Redelegation of Authority No. 40.10
(Revised)]****Asia Mission Directors, et al.;
Redelegation of Authority Regarding
Waivers of Source, Origin, and
Nationality for Procurement**

Pursuant to the authority delegated to me by Delegation of authority No. 40 dated March 5, 1978 from the Deputy Administrator, I hereby redelegate to the Directors of A.I.D. Missions in Asia under my authority, to A.I.D.

Representatives under my authority, to the Director of the Office of Project Development, Bureau for Asia, and to any duly designated person performing the functions of any such Mission Director, A.I.D. Representative, or Office Director in an acting capacity, the authority, after appropriate consultation with A.I.D. technical personnel and legal officers, to waive source, origin of nationality requirements with respect to the procurement of goods and services, other than transportation services, in cases in which the cost does not exceed \$250,000 as set out in Delegation of Authority No. 40, *Provided however*, That authority to waive source and origin requirements for motor vehicle procurement, which waivers shall not exceed \$25,000 for any one transaction, is redelegated only to Mission Directors, to the Director of the Office of Project Development, Bureau for Asia, and to any duly designated person performing the functions of such Mission Director or Office Director in an acting capacity, and *Provided further*, That A.I.D. Representatives may exercise the authority provided in this redelegation only for transactions which do not exceed \$100,000.

The authority redelegated above may not be further redelegated.

All redelegations heretofore issued by me with regard to the authority to issue waivers for source, origin and nationality for procurement are hereby revoked to the extent such prior redelegations are inconsistent with this redelegation. This redelegation shall not be construed to affect the validity of any waiver or redelegation granted by a properly authorized official prior to the effective date of this redelegation, and any such waiver shall continue in effect unless modified or revoked by an official to whom such authority has been delegated by this redelegation.

This redelegation of authority shall be effective immediately.

Dated: July 23, 1981.

John H. Sullivan,
Assistant Administrator, Bureau for Asia.

[FR Doc. 81-16936 Filed 6-8-81; 8:45 am]

BILLING CODE 4710-02-M

**JOINT BOARD FOR THE
ENROLLMENT OF ACTUARIES****Advisory Committee on Actuarial
Examinations; Meeting**

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 4121, Department of the Treasury, 15th Street and Pennsylvania Avenue, Washington, D.C. on June 29, 1981 beginning at 9:30 a.m. and in Room 4426, Department of the Treasury on June 30, 1981 beginning at 9:00 a.m.

The purpose of the meeting is to discuss the format for the preparation and presentation of examination questions by the examination writing committees to the Advisory Committee, the topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B) and the minimum acceptable pass score for the May 1981 examination.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations and the minimum acceptable pass score will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The portion of the meeting dealing with the format for the preparation and presentation of examination questions by the examination writing committees to the Advisory Committee will begin at 9:30 a.m. on June 29 and will last no later than 3:00 p.m. on June 29. This portion of the meeting will be open to the public as space is available. Time permitting, after discussion of the topic by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing by June 22, 1981, to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to ten minutes in length.

Any interested person also may file a written statement for consideration by the Committee by sending it to the Committee Management Officer. Statements should be mailed to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: June 4, 1981.

Leslie S. Shapiro,

*Advisory Committee Management Officer,
Joint Board for the Enrollment of Actuaries.*

[FR Doc. 81-17639 Filed 6-8-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE**National Institute of Justice****Graduate Research Fellowship
Program; Grants Solicitation**

The National Institute of Justice announces a competitive Graduate Research Fellowship Program to provide a limited number of Fellowships which will be awarded to doctoral candidates, through sponsoring institutions, to support students engaged in the research and writing of a doctoral dissertation in the area of criminal justice. Applicants must have completed all dissertation of internship prior to awarding of the grant.

There will be two cycles of the Graduate Research Fellowship program during Fiscal Year 1982. Submissions postmarked on or before October 31, 1981 will be considered submissions to the first cycle, and those postmarked after October 31, 1981 and before March 2, 1982 will be considered submissions to the second cycle. A number of grants will be awarded. The maximum award for each grant is \$11,000, which provides a stipend for the student, allowance for dependents, major project costs and certain university fees.

Additional information and copies of the announcement may be obtained by sending a self-addressed mailing label to:

Solicitation—Graduate Research Fellowship Program, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850

Dated: May 15, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-16971 Filed 6-8-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas, effective June 1, 1981.

FOR FURTHER INFORMATION: Contact James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW. (Attention: TPPL), Washington, D.C. 20213 (202-376-7192).

SUPPLEMENTARY INFORMATION: The areas described below have been classified by the Assistant Secretary of Labor for Employment and Training as labor surplus areas for purposes of Executive Orders 12073 and 10582 pursuant to 20 CFR Part 654. The areas were so classified on the basis of the criteria set forth in 20 CFR 654.5 and placed on the "Listing of Eligible Labor Surplus Areas" for June 1, 1981 through May 31, 1982, effective June 1, 1981.

Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this Order for classifying and designating areas which are labor surplus areas. Under Executive Order 10582, executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment, as defined by the Secretary of Labor. Areas of substantial unemployment are defined by Department of Labor regulations as labor surplus areas at 20 CFR 654.13.

The Department's labor surplus area classification procedures are set forth at 20 CFR Part 654. The regulations require that the Assistant Secretary for Employment and Training classify labor surplus areas and publish the labor surplus areas together with corresponding geographic descriptions. Accordingly, the following list of labor surplus areas is published for the use of all Federal departments and agencies in directing procurement activity and locating new plants or facilities.

Signed at Washington, D.C. on June 4, 1981.

Albert Angrisani,
Assistant Secretary of Labor.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982

Eligible labor surplus areas	Political jurisdictions included
Alabama:	
Autauga County	Autauga County.
Barbour County	Barbour County.
Bibb County	Bibb County.
Birmingham City	Birmingham City in Jefferson County.
Bullock County	Bullock County.
Butler County	Butler County.
Calhoun County	Calhoun County.
Chambers County	Chambers County.
Chilton County	Chilton County.
Choctaw County	Choctaw County.
Clarke County	Clarke County.
Clay County	Clay County.
Colbert County	Colbert County.
Conecuh County	Conecuh County.
Cullman County	Cullman County.
Dallas County	Dallas County.
Escambia County	Escambia County.
Franklin County	Franklin County.
Gadsden City	Gadsden City in Etowah County.
Greene County	Greene County.
Hale County	Hale County.
Jackson County	Jackson County.
Lauderdale County	Lauderdale County.
Lawrence County	Lawrence County.
Limestone County	Limestone County.
Lowndes County	Lowndes County.
Balance of Madison County	Madison County less Huntsville City.
Marengo County	Marengo County.
Marion County	Marion County.
Marshall County	Marshall County.
Mobile City County	Mobile City in Mobile County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Perry County	Perry County.
Pickens County	Pickens County.
Randolph County	Randolph County.
Russell County	Russell County.
Sumter County	Sumter County.
Talladega County	Talladega County.
Walker County	Walker County.
Washington County	Washington County.
Wilcox County	Wilcox County.
Winston County	Winston County.
Alaska:	
Angoon Division	Angoon Division.
Bethel Division	Bethel Division.
Bristol Bay Borough Division	Bristol Bay Borough Division.
Bristol Bay Division	Bristol Bay Division.
Cordova-McCarthy Division	Cordova-McCarthy Division.
Fairbanks Division	Fairbanks Division.
Haines Division	Haines Division.
Kenai-Cook Inlet Division	Kenai-Cook Inlet Division.
Ketchikan Division	Ketchikan Division.
Kobuk Division	Kobuk Division.
Kodiak Division	Kodiak Division.
Kuskokwim Division	Kuskokwim Division.
Matanuska-Susitna Division	Matanuska-Susitna Division.
Nome Division	Nome Division.
Outer Ketchikan Division	Outer Ketchikan Division.
Prince of Wales Division	Prince of Wales Division.
Seward Division	Seward Division.
Sitka Division	Sitka Division.
Skagway-Yakutat Division	Skagway-Yakutat Division.
Southeast Fairbanks Division	Southeast Fairbanks Division.
Upper Yukon Division	Upper Yukon Division.
Valdez-Chitina-Whittier	Valdez-Chitina-Whittier.
Wade Hampton Division	Wade Hampton Division.
Wrangell-Petersburg Division	Wrangell-Petersburg Division.
Yukon-Koyukuk Division	Yukon-Koyukuk Division.
Arizona:	
Apache County	Apache County.
Cochise County	Cochise County.
Gila County	Gila County.
Graham County	Graham County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Navajo County	Navajo County.
Santa Cruz County	Santa Cruz County.
Yuma County	Yuma County.
Arkansas:	
Ashley County	Ashley County.
Bradley County	Bradley County.
Chicot County	Chicot County.
Clay County	Clay County.
Cleburne County	Cleburne County.
Cleveland County	Cleveland County.
Crawford County	Crawford County.
Dallas County	Dallas County.
Fort Smith City	Fort Smith City in Sebastian County.
Franklin County	Franklin County.
Greene County	Greene County.
Hot Spring County	Hot Spring County.
Jackson County	Jackson County.
Lawrence County	Lawrence County.
Lee County	Lee County.
Little River County	Little River County.
Logan County	Logan County.
Balance of Miller County	Miller County less Texarkana City Ark.
Mississippi County	Mississippi County.
Monroe County	Monroe County.
Montgomery County	Montgomery County.
Newton County	Newton County.
Ouachita County	Ouachita County.
Phillips County	Phillips County.
Poinsett County	Poinsett County.
Prairie County	Prairie County.
Randolph County	Randolph County.
Scott County	Scott County.
Searcy County	Searcy County.
Balance of Sebastian County	Sebastian County less Fort Smith City.
Sharp County	Sharp County.
St. Francis County	St. Francis County.
Stone County	Stone County.
Texarkana City, Ark.	Texarkana City, Ark. in Miller County.
Van Buren County	Van Buren County.
White County	White County.
Woodruff County	Woodruff County.
California:	
Alpine County	Alpine County.
Amador County	Amador County.
Berkeley City	Berkeley City in Alameda County.
Butte County	Butte County.
Calaveras County	Calaveras County.
Compton City	Compton City in Los Angeles County.
Del Norte County	Del Norte County.
El Dorado County	El Dorado County.
Fresno City	Fresno City in Fresno County.
Balance of Fresno County	Fresno County less Fresno City.
Glenn County	Glenn County.
Humboldt County	Humboldt County.
Imperial County	Imperial County.
Balance of Kern County	Kern County less Bakersfield City.
Kings County	Kings County.
Lake County	Lake County.
Lassen County	Lassen County.
Madera County	Madera County.
Mariposa County	Mariposa County.
Mendocino County	Mendocino County.
Merced County	Merced County.
Modesto City	Modesto City in Stanislaus County.
Mono County	Mono County.
Balance of Monterey County	Monterey County less Salinas City.
Nevada County	Nevada County.
Oakland City	Oakland City in Alameda County.
Placer County	Placer County.
Plumas County	Plumas County.
Salinas City	Salinas City in Monterey County.
San Benito County	San Benito County.
San Bernardino City	San Bernardino City in San Bernardino County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Balance of San Bernardino County	San Bernardino County less Ontario City, and San Bernardino City
Balance of San Joaquin County	San Joaquin County less Stockton City
Santa Cruz County	Santa Cruz County
Shasta County	Shasta County
Sierra County	Sierra County
Simi Valley City	Simi Valley City in Ventura County
Siskiyou County	Siskiyou County
Balance of Solano County	Solano County less Fairfield City and Vallejo City
Balance of Stanislaus County	Stanislaus County less Modesto City
Stockton City	Stockton City in San Joaquin County
Sutter County	Sutter County
Tehama County	Tehama County
Trinity County	Trinity County
Tuolumne County	Tuolumne County
Yolo County	Yolo County
Yuba County	Yuba County
Colorado	
Archuleta County	Archuleta County
Conejos County	Conejos County
Costilla County	Costilla County
Huerfano County	Huerfano County
Lake County	Lake County
Duray County	Duray County
Pueblo City	Pueblo City in Pueblo County
San Juan County	San Juan County
Connecticut	
Ansonia Town	Ansonia Town
Griswold Town	Griswold Town
Killingly Town	Killingly Town
Meriden City	Meriden City
New Haven City	New Haven City
Plainfield Town	Plainfield Town
Putnam Town	Putnam Town
Sprague Town	Sprague Town
Sterling Town	Sterling Town
Thomaston Town	Thomaston Town
Thompson Town	Thompson Town
Torrington City	Torrington City
Voluntown Town	Voluntown Town
Waterbury City	Waterbury City
Winchester Town	Winchester Town
Delaware	
Kent County	Kent County
Sussex County	Sussex County
Wilmington City	Wilmington City in New Castle County
Florida	
Bay County	Bay County
Franklin County	Franklin County
Glades County	Glades County
Gulf County	Gulf County
Hardee County	Hardee County
Hendry County	Hendry County
Hernando County	Hernando County
Indian River County	Indian River County
Lake County	Lake County
Miami Beach City	Miami Beach City in Dade County
Okeechobee County	Okeechobee County
Balance of Polk County	Polk County less Lakeland City
St. John County	St. John County
St. Lucie County	St. Lucie County
Sumter County	Sumter County
Taylor County	Taylor County
Washington County	Washington County
Georgia	
Augusta City	Augusta City in Richmond County
Burke County	Burke County
Chattahoochee County	Chattahoochee County
Chattooga County	Chattooga County
Fannin County	Fannin County
Glascok County	Glascok County
Mc Duffie County	Mc Duffie County
Stewart County	Stewart County
Taliaferro County	Taliaferro County
Walker County	Walker County
Warren County	Warren County
Wilcox County	Wilcox County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Idaho	
Adams County	Adams County
Benewah County	Benewah County
Boise County	Boise County
Bonner County	Bonner County
Boundary County	Boundary County
Calmas County	Calmas County
Clark County	Clark County
Clearwater County	Clearwater County
Gem County	Gem County
Idaho County	Idaho County
Kootenai County	Kootenai County
Lemhi County	Lemhi County
Lewis County	Lewis County
Power County	Power County
Valley County	Valley County
Illinois	
Alexander County	Alexander County
Bond County	Bond County
Calhoun County	Calhoun County
Chicago City	Chicago City in Cook County
Clark County	Clark County
Clay County	Clay County
Clinton County	Clinton County
Cumberland County	Cumberland County
Decatur City	Decatur City in Macon County
East St. Louis City	East St. Louis City in St. Clair County
Edgar County	Edgar County
Effingham County	Effingham County
Fayette County	Fayette County
Franklin County	Franklin County
Gallatin County	Gallatin County
Greene County	Greene County
Hamilton County	Hamilton County
Hardin County	Hardin County
Jackson County	Jackson County
Jasper County	Jasper County
Jefferson County	Jefferson County
Jersey County	Jersey County
Johnson County	Johnson County
Joliet City	Joliet City in Will County
Kankakee County	Kankakee County
Knox County	Knox County
La Salle County	La Salle County
Madison County	Madison County
Marion County	Marion County
Massac County	Massac County
Montgomery County	Montgomery County
Peoria City	Peoria City in Peoria County
Perry County	Perry County
Pope County	Pope County
Pulaski County	Pulaski County
Putnam County	Putnam County
Richland County	Richland County
Rockford City	Rockford City in Winnebago County
Saline County	Saline County
Shelby County	Shelby County
Springfield City	Springfield City in Sangamon County
Tazewell County	Tazewell County
Union County	Union County
Vermilion County	Vermilion County
Waukegan City	Waukegan City in Lake County
Wayne County	Wayne County
White County	White County
Whiteside County	Whiteside County
Williamson County	Williamson County
Indiana	
Adams County	Adams County
Anderson City	Anderson City in Madison County
Blackford County	Blackford County
Cass County	Cass County
Crawford County	Crawford County
Daviess County	Daviess County
De Kalb County	De Kalb County
Dearborn County	Dearborn County
Elkhart County	Elkhart County
Fayette County	Fayette County
Fountain County	Fountain County
Franklin County	Franklin County
Ft Wayne City	Ft Wayne City in Allen County
Gary City	Gary City in Lake County
Grant County	Grant County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Greene County	Greene County
Hammond City	Hammond City in Lake County
Harrison County	Harrison County
Henry County	Henry County
Balance of Howard County	Howard County less Kokomo City
Jackson County	Jackson County
Jasper County	Jasper County
Jay County	Jay County
Jefferson County	Jefferson County
Jennings County	Jennings County
Knox County	Knox County
Kokomo City	Kokomo City in Howard County
La Porte County	La Porte County
Lagrange County	Lagrange County
Lawrence County	Lawrence County
Balance of Madison County	Madison County less Anderson City
Marshall County	Marshall County
Martin County	Martin County
Miami County	Miami County
Muncie City	Muncie City in Delaware County
Noble County	Noble County
Ohio County	Ohio County
Orange County	Orange County
Perry County	Perry County
Putnam County	Putnam County
Randolph County	Randolph County
Ripley County	Ripley County
Rush County	Rush County
Scott County	Scott County
Shelby County	Shelby County
South Bend City	South Bend City in St. Joseph County
Starke County	Starke County
Stauben County	Stauben County
Switzerland County	Switzerland County
Tipton County	Tipton County
Union County	Union County
Vermilion County	Vermilion County
Wabash County	Wabash County
Washington County	Washington County
Wayne County	Wayne County
Whitley County	Whitley County
Iowa	
Appanoose County	Appanoose County
Floyd County	Floyd County
Winnebago County	Winnebago County
Kentucky	
Bath County	Bath County
Bell County	Bell County
Boyd County	Boyd County
Bracken County	Bracken County
Breathitt County	Breathitt County
Butler County	Butler County
Caldwell County	Caldwell County
Calloway County	Calloway County
Carlisle County	Carlisle County
Carter County	Carter County
Clay County	Clay County
Clinton County	Clinton County
Crittenden County	Crittenden County
Edmonson County	Edmonson County
Elliott County	Elliott County
Estill County	Estill County
Floyd County	Floyd County
Fulton County	Fulton County
Graves County	Graves County
Grayson County	Grayson County
Harlan County	Harlan County
Hart County	Hart County
Hickman County	Hickman County
Jackson County	Jackson County
Johnson County	Johnson County
Knott County	Knott County
Knox County	Knox County
Lawrence County	Lawrence County
Lee County	Lee County
Leslie County	Leslie County
Letcher County	Letcher County
Lewis County	Lewis County
Lincoln County	Lincoln County
Magoffin County	Magoffin County
Marion County	Marion County
Marshall County	Marshall County
Mc Creary County	Mc Creary County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Menifee County	Menifee County
Metcalfe County	Metcalfe County
Monroe County	Monroe County
Montgomery County	Montgomery County
Morgan County	Morgan County
Nelson County	Nelson County
Owsley County	Owsley County
Perry County	Perry County
Powell County	Powell County
Pulaski County	Pulaski County
Robertson County	Robertson County
Rockcastle County	Rockcastle County
Russell County	Russell County
Spencer County	Spencer County
Todd County	Todd County
Trimble County	Trimble County
Washington County	Washington County
Wayne County	Wayne County
Whitley County	Whitley County
Wolfe County	Wolfe County
Louisiana:	
Alexandria City	Alexandria City in Rapides Parish
Allen Parish	Allen Parish
Ascension County	Ascension County
Avoyelles County	Avoyelles County
Beauregard County	Beauregard County
Catahoula County	Catahoula County
Concordia County	Concordia County
East Carroll County	East Carroll County
Evangeline County	Evangeline County
Franklin Parish	Franklin Parish
Grant Parish	Grant Parish
Iberville County	Iberville County
Livingston County	Livingston County
Madison Parish	Madison Parish
Morehouse County	Morehouse County
Balance of Ouachita	Ouachita Parish less Monroe City
Balance of Rapides Parish	Rapides Parish less Alexandria City
Richland Parish	Richland Parish
Sabine Parish	Sabine Parish
St. James Parish	St. James Parish
St. Landry Parish	St. Landry Parish
Tangipahoa Parish	Tangipahoa Parish
Union Parish	Union Parish
Vernon Parish	Vernon Parish
Washington County	Washington County
Webster Parish	Webster Parish
West Carroll County	West Carroll County
West Feliciana County	West Feliciana County
Maine:	
Aroostook County	Aroostook County
Hancock County	Hancock County
Knox County	Knox County
Somerset County	Somerset County
Waldo County	Waldo County
Washington County	Washington County
Maryland:	
Allegany County	Allegany County
Baltimore City	Baltimore City in Baltimore City
Calvert County	Calvert County
Caroline County	Caroline County
Cecil County	Cecil County
Dorchester County	Dorchester County
Garrett County	Garrett County
Kent County	Kent County
Somerset County	Somerset County
Washington County	Washington County
Wicomico County	Wicomico County
Worcester County	Worcester County
Massachusetts:	
Alford Town	Alford Town in Berkshire County
Blackstone Town	Blackstone Town in Worcester County
Brookfield Town	Brookfield Town in Worcester County
Carver Town	Carver Town in Plymouth County
Cummington Town	Cummington Town in Hampshire County
Dunstable Town	Dunstable Town in Middlesex County
Edgartown Town	Edgartown Town in Dukes County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Fall River City	Fall River City in Bristol County
Florida Town	Florida Town in Berkshire County
Freetown Town	Freetown Town in Bristol County
Granville Town	Granville Town in Hampden County
Hardwick Town	Hardwick Town in Worcester County
Harvard Town	Harvard Town in Worcester County
Harwich Town	Harwich Town in Barnstable County
Holbrook Town	Holbrook Town in Norfolk County
Holland Town	Holland Town in Hampden County
Kingston Town	Kingston Town in Plymouth County
Lakeville Town	Lakeville Town in Plymouth County
Leyden Town	Leyden Town in Franklin County
Mashpee Town	Mashpee Town in Barnstable County
Mendon Town	Mendon Town in Worcester County
Merrimac Town	Merrimac Town in Essex County
Middlefield Town	Middlefield Town in Hampshire County
Mills Town	Mills Town in Norfolk County
Milville Town	Milville Town in Worcester County
Monroe Town	Monroe Town in Franklin County
New Ashford Town	New Ashford Town in Berkshire County
New Bedford City	New Bedford City in Bristol County
New Marlborough Town	New Marlborough Town in Berkshire County
Newburyport City	Newburyport City in Essex County
North Adams Town	North Adams Town in Berkshire County
Orleans Town	Orleans Town in Barnstable County
Phillipston Town	Phillipston Town in Worcester County
Provincetown Town	Provincetown Town in Barnstable County
Rochester Town	Rochester Town in Plymouth County
Rockport Town	Rockport Town in Essex County
Royalston Town	Royalston Town in Worcester County
Sandwich Town	Sandwich Town in Barnstable County
Savoy Town	Savoy Town in Berkshire County
Tolland Town	Tolland Town in Hampden County
Tyringham Town	Tyringham Town in Berkshire County
Upton Town	Upton Town in Worcester County
Wareham Town	Wareham Town in Plymouth County
Wellfleet Town	Wellfleet Town in Barnstable County
West Tisbury Town	West Tisbury Town in Dukes County
Worthington Town	Worthington Town in Hampshire County
Michigan:	
Alcona County	Alcona County
Alger County	Alger County
Allegan County	Allegan County
Alpena County	Alpena County
Antrim County	Antrim County
Arenac County	Arenac County
Baraga County	Baraga County
Barry County	Barry County
Bay County	Bay County
Benzie County	Benzie County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Bernien County	Bernien County
Branch County	Branch County
Calhoun County	Calhoun County
Cass County	Cass County
Charlevoix County	Charlevoix County
Cheboygan County	Cheboygan County
Chippewa County	Chippewa County
Clare County	Clare County
Clinton County	Clinton County
Clinton Township	Clinton Township in Macomb County
Crawford County	Crawford County
Dearborn City	Dearborn City in Wayne County
Dearborn Heights City	Dearborn Heights City in Wayne County
Delta County	Delta County
Detroit City	Detroit City in Wayne County
East Lansing City	East Lansing City in Ingham County
Balance of Eaton County	Eaton County less Lansing City-Eaton
Emmet County	Emmet County
Flint City	Flint City in Genesee County
Balance of Genesee County	Genesee County less Flint City
Gladwin County	Gladwin County
Gogebic County	Gogebic County
Grand Rapids City	Grand Rapids City in Kent County
Grand Traverse County	Grand Traverse County
Gratiot County	Gratiot County
Hillsdale County	Hillsdale County
Houghton County	Houghton County
Huron County	Huron County
Balance of Ingham County	Ingham County less East Lansing City and Lansing City-Ingham
Ionia County	Ionia County
Iosco County	Iosco County
Iron County	Iron County
Isabella County	Isabella County
Jackson County	Jackson County
Kalamazoo City	Kalamazoo City in Kalamazoo County
Balance of Kent County	Kent County less Grand Rapids City, and Wyoming City
Keeweenaw County	Keeweenaw County
Lake County	Lake County
Lansing City	Lansing City in Eaton County, and Ingham County
Lapeer County	Lapeer County
Leelanau County	Leelanau County
Lenawee County	Lenawee County
Livingston County	Livingston County
Luce County	Luce County
Mackinac County	Mackinac County
Balance of Macomb County	Macomb County less Clinton Township, Roseville City, St. Clair Shores City, Sterling Heights City, and Warren City
Manistee County	Manistee County
Marquette County	Marquette County
Mason County	Mason County
Mecosta County	Mecosta County
Menominee County	Menominee County
Midland County	Midland County
Missaukee County	Missaukee County
Monroe County	Monroe County
Montcalm County	Montcalm County
Montmorency County	Montmorency County
Muskegon County	Muskegon County
Newaygo County	Newaygo County
Balance of Oakland County	Oakland County less Farmington Hills City, Pontiac City, Royal Oak City, Southfield City, Troy City, and Waterford Township
Oceana County	Oceana County
Ogemaw County	Ogemaw County
Ontonagon County	Ontonagon County
Oscoda County	Oscoda County
Oscoda County	Oscoda County
Otsego County	Otsego County
Pontiac City	Pontiac City in Oakland County
Presque Isle County	Presque Isle County

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Redford Township	Redford Township in Wayne County.
Roscommon County	Roscommon County.
Roseville City	Roseville City in Macomb County.
Saginaw City	Saginaw City in Saginaw County.
Balance of Saginaw County	Saginaw County less Saginaw City.
Sanilac County	Sanilac County.
Schoolcraft County	Schoolcraft County.
Shiawassee County	Shiawassee County.
St. Clair Shores City	St. Clair Shores City in Macomb County.
St. Clair County	St. Clair County.
St. Joseph County	St. Joseph County.
Sterling Heights City	Sterling Heights City in Macomb County.
Taylor City	Taylor City in Wayne County.
Tuscola County	Tuscola County.
Van Buren County	Van Buren County.
Warren City	Warren City in Macomb County.
Balance of Washtenaw County	Washtenaw County less Ann Arbor City.
Waterford Township	Waterford Township in Oakland County.
Balance of Wayne County	Wayne County less Dearborn City, Dearborn Heights City, Detroit City, Livonia City, Redford Township, Taylor City, and Westland City.
Westland City	Westland City in Wayne County.
Wexford County	Wexford County.
Wyoming City	Wyoming City in Kent County.
Minnesota:	
Aitkin County	Aitkin County.
Becker County	Becker County.
Carlton County	Carlton County.
Cass County	Cass County.
Clearwater County	Clearwater County.
Cook County	Cook County.
Crow Wing County	Crow Wing County.
Hubbard County	Hubbard County.
Itasca County	Itasca County.
Kanabec County	Kanabec County.
Koochiching County	Koochiching County.
Mahnomen County	Mahnomen County.
Marshall County	Marshall County.
Morrison County	Morrison County.
Pine County	Pine County.
Red Lake County	Red Lake County.
Roseau County	Roseau County.
Balance of St. Louis County	St. Louis County less Duluth City.
Mississippi:	
Alcorn County	Alcorn County.
Attala County	Attala County.
Benton County	Benton County.
Bolivar County	Bolivar County.
Coahoma County	Coahoma County.
George County	George County.
Greene County	Greene County.
Grenada County	Grenada County.
Holmes County	Holmes County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Jefferson Davis County	Jefferson Davis County.
Kemper County	Kemper County.
Madison County	Madison County.
Marshall County	Marshall County.
Montgomery County	Montgomery County.
Noxubee County	Noxubee County.
Panola County	Panola County.
Quitman County	Quitman County.
Sharkey County	Sharkey County.
Stone County	Stone County.
Tate County	Tate County.
Tunica County	Tunica County.
Warren County	Warren County.
Washington County	Washington County.
Wilkinson County	Wilkinson County.
Winston County	Winston County.
Missouri:	
Bollinger County	Bollinger County.
Butler County	Butler County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Carter County	Carter County.
Clark County	Clark County.
Douglas County	Douglas County.
Dunklin County	Dunklin County.
Franklin County	Franklin County.
Jefferson County	Jefferson County.
Maries County	Maries County.
Mississippi County	Mississippi County.
Moniteau County	Moniteau County.
Oregon County	Oregon County.
Pemiscot County	Pemiscot County.
Ripley County	Ripley County.
Shannon County	Shannon County.
St. Louis City	St. Louis City in St. Louis City.
Stoddard County	Stoddard County.
Stone County	Stone County.
Texas County	Texas County.
Washington County	Washington County.
Wayne County	Wayne County.
Webster County	Webster County.
Montana:	
Glacier County	Glacier County.
Lincoln County	Lincoln County.
Mineral County	Mineral County.
Ravalli County	Ravalli County.
Sanders County	Sanders County.
Nevada:	
White Pine County	White Pine County.
New Jersey:	
Atlantic City	Atlantic City in Atlantic County.
Camden City	Camden City in Camden County.
Cape May County	Cape May County.
Balance of Cumberland County	Cumberland County less Vineland City.
Elizabeth City	Elizabeth City in Union County.
Balance of Hudson County	Hudson County less Bayonne City, Jersey City, and Union City.
Jersey City	Jersey City in Hudson County.
Newark City	Newark City in Essex County.
Balance of Ocean County	Ocean County less Brick Township and Dover Township.
Passaic City	Passaic City in Passaic County.
Paterson City	Paterson City in Passaic County.
Trenton City	Trenton City in Mercer County.
Union City	Union City in Hudson County.
Vineland City	Vineland City in Cumberland County.
New Mexico:	
Balance of Bernalillo County	Bernalillo County less Albuquerque City and Colonie Town.
Catron County	Catron County.
Guadalupe County	Guadalupe County.
Luna County	Luna County.
Mora County	Mora County.
Rio Arriba County	Rio Arriba County.
San Juan County	San Juan County.
San Miguel County	San Miguel County.
Taos County	Taos County.
New York:	
Buffalo City	Buffalo City in Erie County.
Cattaraugus County	Cattaraugus County.
Cayuga County	Cayuga County.
Chenango County	Chenango County.
Clinton County	Clinton County.
Balance of Erie County	Erie County less Amherst Town, Buffalo City, Cheektowaga Town, Hamburg Town, Tonawanda Town, and West Seneca Township.
Essex County	Essex County.
Franklin County	Franklin County.
Fulton County	Fulton County.
Genesee County	Genesee County.
Greene County	Greene County.
Hamburg Town	Hamburg Town in Erie County.
Hamilton County	Hamilton County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Herkimer County	Herkimer County.
Jefferson County	Jefferson County.
Lewis County	Lewis County.
Montgomery County	Montgomery County.
Mount Vernon City	Mount Vernon City in Westchester County.
Balance of Nassau County	Nassau County less Glen-cove City, Hempstead Town, North Hempstead Town, and Oyster Bay Town.
New York City	New York City in Bronx County, Kings County, New York County, Queens County, and Richmond County.
Balance of Niagara County	Niagara County less Niagara Falls City.
Niagara Falls City	Niagara Falls City in Niagara County.
Orange County	Orange County.
Orleans County	Orleans County.
Oswego County	Oswego County.
Balance of Rockland County	Rockland County less Clarkstown Town, Orangetown Town, and Ramapo Town.
Schoharie County	Schoharie County.
St. Lawrence County	St. Lawrence County.
Balance of Suffolk County	Suffolk County less Babylon Town, Brookhaven Town, Huntington Town, and Islip Town, and Smithtown Town.
Sullivan County	Sullivan County.
Warren County	Warren County.
Wyoming County	Wyoming County.
North Carolina:	
Brunswick County	Brunswick County.
Cherokee County	Cherokee County.
Clay County	Clay County.
Balance of Cumberland County	Cumberland County less Fayetteville City.
Franklin County	Franklin County.
Graham County	Graham County.
Halifax County	Halifax County.
Hoke County	Hoke County.
Person County	Person County.
Robeson County	Robeson County.
Swain County	Swain County.
Tyrrell County	Tyrrell County.
Vance County	Vance County.
Warren County	Warren County.
Wilmington City	Wilmington City in New Han-over County.
North Dakota:	
McHenry County	McHenry County.
Rolette County	Rolette County.
Sioux County	Sioux County.
Ohio:	
Adams County	Adams County.
Akron City	Akron City in Summit County.
Ashtabula County	Ashtabula County.
Auglaize County	Auglaize County.
Belmont County	Belmont County.
Brown County	Brown County.
Canton City	Canton City in Stark County.
Cincinnati City	Cincinnati City in Hamilton County.
Clermont County	Clermont County.
Cleveland City	Cleveland City in Cuyahoga County.
Crawford County	Crawford County.
Dayton City	Dayton City in Montgomery County.
Defiance County	Defiance County.
Elyria City	Elyria City in Lorain County.
Erie County	Erie County.
Fayette County	Fayette County.
Fulton County	Fulton County.
Guernsey County	Guernsey County.
Hardin County	Hardin County.
Harrison County	Harrison County.
Henry County	Henry County.
Highland County	Highland County.
Hocking County	Hocking County.
Huron County	Huron County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Lawrence County	Lawrence County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Lima City	Lima City in Allen County.
Lorain City	Lorain City in Lorain County.
Balance of Lorain County.	Lorain County less Elyria City, and Lorain City.
Balance of Lucas County.	Lucas County less Toledo City.
Balance of Mahoning County.	Mahoning County less Youngstown City.
Mansfield City	Mansfield City in Richland County.
Marion County	Marion County.
Medina County	Medina County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Morrow County	Morrow County.
Noble County	Noble County.
Ottawa County	Ottawa County.
Paulding County	Paulding County.
Perry County	Perry County.
Pike County	Pike County.
Putnam County	Putnam County.
Sandusky County	Sandusky County.
Scioto County	Scioto County.
Seneca County	Seneca County.
Shelby County	Shelby County.
Balance of Summit County.	Summit County less Akron City.
Toledo City	Toledo City in Lucas County.
Balance of Trumbull County.	Trumbull County less Warren City.
Tuscarawas County	Tuscarawas County.
Warren City	Warren City in Trumbull County.
Warren County	Warren County.
Williams County	Williams County.
Wyandot County	Wyandot County.
Youngstown City	Youngstown City in Mahoning County.
Oklahoma:	
Choctaw County	Choctaw County.
Coal County	Coal County.
Haskell County	Haskell County.
Latimer County	Latimer County.
Pittsburg County	Pittsburg County.
Pushmataha County	Pushmataha County.
Sequoyah County	Sequoyah County.
Oregon:	
Baker County	Baker County.
Clatsop County	Clatsop County.
Columbia County	Columbia County.
Coos County	Coos County.
Crook County	Crook County.
Curry County	Curry County.
Deschutes County	Deschutes County.
Douglas County	Douglas County.
Grant County	Grant County.
Harney County	Harney County.
Hood River County	Hood River County.
Jackson County	Jackson County.
Josephine County	Josephine County.
Klamath County	Klamath County.
Lake County	Lake County.
Balance of Lane County	Lane County less Eugene City.
Lincoln County	Lincoln County.
Linn County	Linn County.
Tillamook County	Tillamook County.
Union County	Union County.
Wallowa County	Wallowa County.
Wheeler County	Wheeler County.
Pennsylvania:	
Altoona City	Altoona City in Blair County.
Armstrong County	Armstrong County.
Bedford County	Bedford County.
Balance of Blair County	Blair County less Altoona City.
Bradford County	Bradford County.
Bristol Township	Bristol Township in Bucks County.
Cambria County	Cambria County.
Cameron County	Cameron County.
Carbon County	Carbon County.
Chester City	Chester City in Delaware County.
Clarion County	Clarion County.
Clearfield County	Clearfield County.
Clinton County	Clinton County.
Columbia County	Columbia County.
Crawford County	Crawford County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Elk County	Elk County.
Erie City	Erie City in Erie County.
Fayette County	Fayette County.
Forest County	Forest County.
Fulton County	Fulton County.
Greene County	Greene County.
Huntingdon County	Huntingdon County.
Jefferson County	Jefferson County.
Juniata County	Juniata County.
Balance of Lackawanna County.	Lackawanna County less Scranton City.
Lawrence County	Lawrence County.
Balance of Luzerne County.	Luzerne County less Wilkes-Barre City.
Lycorning County	Lycorning County.
Mifflin County	Mifflin County.
Monroe County	Monroe County.
Montour County	Montour County.
Northumberland County	Northumberland County.
Philadelphia City	Philadelphia City in Philadelphia County.
Pike County	Pike County.
Potter County	Potter County.
Reading City	Reading City in Berks County.
Schuylkill County	Schuylkill County.
Scranton City	Scranton City in Lackawanna County.
Snyder County	Snyder County.
Somerset County	Somerset County.
Sullivan County	Sullivan County.
Susquehanna County	Susquehanna County.
Tioga County	Tioga County.
Washington County	Washington County.
Wayne County	Wayne County.
Westmoreland County	Westmoreland County.
Wilkes-Barre City	Wilkes-Barre City in Luzerne County.
Wyoming County	Wyoming County.
Rhode Island:	
Bristol Town	Bristol Town.
Central Falls City	Central Falls City.
Charlestown Town	Charlestown Town.
Johnston Town	Johnston Town.
New Shoreham Town	New Shoreham Town.
North Providence Town	North Providence Town.
Warren Town	Warren Town.
West Warwick Town	West Warwick Town.
South Carolina:	
Allendale County	Allendale County.
Barnwell County	Barnwell County.
Colleton County	Colleton County.
Georgetown County	Georgetown County.
Marion County	Marion County.
Marlboro County	Marlboro County.
McCormick County	McCormick County.
North Charleston City	North Charleston City in Charleston County.
Union County	Union County.
Tennessee:	
Bledsoe County	Bledsoe County.
Campbell County	Campbell County.
Cannon County	Cannon County.
Carroll County	Carroll County.
Claiborne County	Claiborne County.
Clay County	Clay County.
Cocke County	Cocke County.
Crockett County	Crockett County.
Cumberland County	Cumberland County.
De Kalb County	De Kalb County.
Decatur County	Decatur County.
Dickson County	Dickson County.
Fayette County	Fayette County.
Fentress County	Fentress County.
Franklin County	Franklin County.
Gibson County	Gibson County.
Grainger County	Grainger County.
Grundy County	Grundy County.
Hamblen County	Hamblen County.
Hancock County	Hancock County.
Hardeman County	Hardeman County.
Hardin County	Hardin County.
Haywood County	Haywood County.
Henderson County	Henderson County.
Jackson County	Jackson County.
Jefferson County	Jefferson County.
Lake County	Lake County.
Lauderdale County	Lauderdale County.
Lawrence County	Lawrence County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Lewis County	Lewis County.
Lincoln County	Lincoln County.
Macon County	Macon County.
McMinn County	McMinn County.
Meigs County	Meigs County.
Monroe County	Monroe County.
Morgan County	Morgan County.
Overton County	Overton County.
Perry County	Perry County.
Pickett County	Pickett County.
Polk County	Polk County.
Putnam County	Putnam County.
Rhea County	Rhea County.
Roane County	Roane County.
Scott County	Scott County.
Sevier County	Sevier County.
Stewart County	Stewart County.
Van Buren	Van Buren County.
Warren County	Warren County.
Wayne County	Wayne County.
Texas:	
Brownsville City	Brownsville City in Cameron County.
Balance of Cameron County.	Cameron County less Brownsville City.
Cass County	Cass County.
Dimmit County	Dimmit County.
El Paso City	El Paso City in El Paso County.
Balance of El Paso County.	El Paso County less El Paso City.
Balance of Hidalgo County.	Hidalgo County less McAllen City.
Killeen City	Killeen City in Bell County.
Laredo City	Laredo City in Webb County.
Loving County	Loving County.
Marion County	Marion County.
Maverick County	Maverick County.
McAllen City	McAllen City in Hidalgo County.
Newton County	Newton County.
Port Arthur City	Port Arthur City in Jefferson County.
Balance of Potter County.	Potter County less Amarillo City.
San Augustine County	San Augustine County.
Starr County	Starr County.
Texarkana, City Tex.	Texarkana City, Tex in Bowie County.
Val Verde County	Val Verde County.
Balance of Webb County.	Webb County less Laredo City.
Willacy County	Willacy County.
Zapata County	Zapata County.
Zavala County	Zavala County.
Utah:	
Garfield County	Garfield County.
Piute County	Piute County.
Sanpete County	Sanpete County.
Wasatch County	Wasatch County.
Vermont:	
Essex County	Essex County.
Grand Isle County	Grand Isle County.
Lamoille County	Lamoille County.
Orleans County	Orleans County.
Virginia:	
Alleghany County	Alleghany County.
Bath County	Bath County.
Brunswick County	Brunswick County.
Buena Vista City	Buena Vista City.
Caroline County	Caroline County.
Covington City	Covington City.
Dickenson County	Dickenson County.
Grayson County	Grayson County.
Highland County	Highland County.
Lancaster County	Lancaster County.
Lee County	Lee County.
Northampton County	Northampton County.
Northumberland County	Northumberland County.
Page County	Page County.
Radford City	Radford City.
Richmond County	Richmond County.
Russell County	Russell County.
Smyth County	Smyth County.
South Boston City	South Boston City.
Suffolk City	Suffolk City.
Sussex County	Sussex County.
Warren County	Warren County.
Westmoreland County	Westmoreland County.

Labor Surplus Areas Eligible for Federal Procurement Preference From June 11, 1981 through May 31, 1982—Continued

Eligible labor surplus areas	Political jurisdictions included
Williamsburg City	Williamsburg City.
Washington:	
Adams County	Adams County.
Chelan County	Chelan County.
Clallam County	Clallam County.
Columbia County	Columbia County.
Cowlitz County	Cowlitz County.
Douglas County	Douglas County.
Ferry County	Ferry County.
Franklin County	Franklin County.
Grant County	Grant County.
Grays Harbor County	Grays Harbor County.
Jefferson County	Jefferson County.
Kittitas County	Kittitas County.
Klickitat County	Klickitat County.
Lewis County	Lewis County.
Okanogan County	Okanogan County.
Pacific County	Pacific County.
Pend Oreille County	Pend Oreille County.
Skagit County	Skagit County.
Skamania County	Skamania County.
Stevens County	Stevens County.
Tacoma City	Tacoma City in Pierce County.
Wahkiakum County	Wahkiakum County.
Whatcom County	Whatcom County.
Yakima City	Yakima City in Yakima County.
Balance of Yakima County	Yakima County less Yakima City.
West Virginia:	
Braxton County	Braxton County.
Calhoun County	Calhoun County.
Clay County	Clay County.
Fayette County	Fayette County.
Greenbrier County	Greenbrier County.
Harrison County	Harrison County.
Huntington City	Huntington City in Cabell County, and Wayne County.
Jackson County	Jackson County.
Lewis County	Lewis County.
Lincoln County	Lincoln County.
Logan County	Logan County.
Manon County	Manon County.
Marshall County	Marshall County.
Mason County	Mason County.
McDowell County	McDowell County.
Mingo County	Mingo County.
Nicholas County	Nicholas County.
Pendleton County	Pendleton County.
Pocahontas County	Pocahontas County.
Preston County	Preston County.
Putnam County	Putnam County.
Raleigh County	Raleigh County.
Randolph County	Randolph County.
Ritchie County	Ritchie County.
Roane County	Roane County.
Summers County	Summers County.
Taylor County	Taylor County.
Balance of Wayne County	Wayne County less Huntington City-Wayne.
Webster County	Webster County.
Wetzel County	Wetzel County.
Wirt County	Wirt County.
Wyoming County	Wyoming County.
Wisconsin:	
Bayfield County	Bayfield County.
Balance of Calumet County	Calumet County less Appleton City-Calumet.
Forest County	Forest County.
Janesville City	Janesville City in Rock County.
Lincoln County	Lincoln County.
Marquette County	Marquette County.
Menominee County	Menominee County.
Oconto County	Oconto County.
Balance of Rock County	Rock County less Janesville City.
Rusk County	Rusk County.
Sawyer County	Sawyer County.
Taylor County	Taylor County.
Trempealeau County	Trempealeau County.
Vilas County	Vilas County.
Washburn County	Washburn County.

Mine Safety and Health Administration

[Docket No. M-81-23-M]

Cobb Resources Corp.; Petition for Modification of Application of Mandatory Safety Standard

Cobb Resources Corporation, 313 Washington, S.E., Albuquerque, New Mexico 87108 has filed a petition to modify the application of 30 CFR 57.4-43 (fire protection) to its London Mine located in Park County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within 100 feet of mine openings that are designated escapeways in exhaust air shall be constructed of fire resistant materials.

2. The London Water Tunnel has a portal of steel and concrete which extends 100 feet into the workings. Approximately 71 feet from the outward end of this structure is the mine shop/maintenance building which contains a compressor, maintenance equipment and the miners' changing room. The building is constructed of plywood nailed to wooden studs and has been painted with fire-resistant paint.

3. The tunnel is not a designated escapeway; it is a normal exit in exhaust air.

4. Petitioner states that the 71 feet between the normal exit portal and the building painted with fire-resistant paint, in addition to the first 100 feet inside the portal being constructed of steel and concrete, warrant a modification of the standard. Petitioner further states that the safety of the miners would in no way be diminished by a modification.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 9, 1981. Copies of the petition are available for inspection at that address.

Dated: June 3, 1981.

Frank A. White,
Director, Office of Standards, Regulations and Variances

[FR Doc. 81-18896 Filed 6-8-81; 8:45 am]
BILLING CODE 4510-43-M

Proposed Acquisition of Mine Emergency Operations Center—Hopewell Township, Beaver County, Determination That Environmental Assessment Is Not Necessary and Finding of No Significant Impact on the Environment

AGENCY: Mine Safety and Health Administration, Department of Labor (MSHA).

ACTION: Notice—Determination that environmental assessment is not necessary and that action will have no significant impact on the environment.

SUMMARY: The purpose of this notice is to announce a determination by MSHA under the National Environmental Policy Act (NEPA), and Council on Environmental Quality (CEQ) and DOL regulations implementing NEPA, that the planned acquisition by purchase of the property housing the MSHA Mine Emergency Operations Center in Hopewell Township, Beaver County, Pennsylvania, does not constitute the type of real property action which requires the preparation of an environmental assessment and, accordingly, that an environmental assessment will not be prepared. MSHA has determined that because no change in the use of the property is contemplated, the proposed action will have no significant impact on the environment.

FOR FURTHER INFORMATION CONTACT: Roy L. Bernard, Director of Technical Support, MSHA, Room 917, Ballston Tower No. 3, 4015 Wilson boulevard, Arlington, VA 22203, telephone 703-235-1580.

SUPPLEMENTARY INFORMATION: In accordance with NEPA, and CEQ and DOL regulations, MSHA has examined the possible environmental impact of its planned acquisition of the Mine Emergency Operations Center. The facility to be acquired consists of a building situated on six acres of land located in the Hopewell Township Industrial Park, Hopewell Township, Beaver County, Pennsylvania. Acquisition of the property is authorized by the bill providing for appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1981, H.R. 7998 (passed by the House of Representatives on August 27, 1980), as adopted by H.J. Res. 644, Pub. L. 95-536, December 16, 1980.

The DOL regulation implementing NEPA, at 29 CFR § 110.10(B), provides, in pertinent part, that actions involving the purchase of property in connection with the establishment or substantial

alteration of a Job Corps center, or any similar Job Corps facility, or other property actions of a similar character by another agency, will normally require the preparation of an environmental assessment prior to determining whether either a finding of no significant impact or an environmental impact statement must be prepared. MSHA's planned acquisition of the Mine Emergency Operations Center, however, does not constitute either the establishment or substantial alteration of a facility. The facility to be purchased already houses the agency's mine emergency operations where equipment used by MSHA in rescue and recovery work in the event of a mine emergency or disaster is stored and maintained. The building consists of a warehouse/garage area, a maintenance/storage area, and an office area. The facility has been leased for this purpose for approximately three years and no change in the nature of the activities carried out at the facility is planned. Some renovation and repair of the building is contemplated after acquisition, but this work will not result in any expansion or substantial alteration of the existing facility. Accordingly, MSHA has determined that an environmental assessment is not necessary and that the proposed action will have no significant impact on the environment.

Dated: May 29, 1981.

Thomas J. Shepich,

Acting Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 81-10997 Filed 6-8-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-21-M]

Noranda Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Noranda Mining, Inc., P.O. Box 1450, Park City, Utah 84060 has filed a petition to modify the application of 30 CFR 57.19-125 (hoist ropes; requirements) to its Ontario Project located in Summit County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that hoist ropes wound in multiple layers have a length cut off at the drum end at least three times during the anticipated life of the rope.

2. Petitioner is currently using a #6 Welman Seaver Morgan hoist, manufactured in 1917 and powered by a 250 hp G. E. motor. It is a reel type, using a 3/4 inch by 5 inch flat cable.

3. As an alternative method, petitioner proposes to use this reel-type flat hoist rope without cutting off lengths at the drum, as would be done on a round hoist rope, because the wear point of the cable changes with each wrap, depending on the load weight.

4. Petitioner states that cutting the drum end of the cable would not affect the wear point and requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before (insert date 30 days from publication in the Federal Register). Copies of the petition are available for inspection at that address.

Dated: June 3, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-10998 Filed 6-8-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Application No. D-1563]

Proposed Exemption for Certain Transactions Involving the Misener Profit Sharing Plan and Gulf Foundation, Inc. Profit Sharing Plan, St. Petersburg, Florida

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the leasing of barges and tugboats by the Misener Barge and Boat Rental, Inc. (MB&B, a corporation wholly owned by the Misener Profit Sharing Trust (MPT, a commingled investment trust)) to Misener Marine Construction (MMC, the sponsoring employer); (2) the servicing of MB&B barges and tugboats by MMC and Misener Industries Inc. (MIC, a corporation wholly owned by MMC); (3) the purchase of barges by MB&B from MIC; (4) the guarantee by MMC of loans made to MB&B by unrelated lending

institutions; (5) the exchange of MB&B stock for MMC stock of comparable value; and (6) the cash sale of a parcel of real estate (the Real Estate) by the MPT to Mary Jane Misener a party in interest with respect to the MPT. The proposed exemption, if granted, would affect MB&B, MIC, MMC, MPT, participants and beneficiaries of those profit sharing plans participating the MPT and certain other persons participating in the transactions.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective from: (1) January 1, 1975 until the date of the stock exchange between MB&B and MMC for the leasing of the MB&B barge and tugboat fleet; (2) from January 1, 1975 until October 31, 1978 for the servicing of the MB&B barge and tugboat fleet; (3) from March 20, 1976 until May 23, 1977 for the purchase of barges from MIC; (4) from February 27, 1976 and prospectively for the guarantees of MMC; and (5) from the date the exemption grant is published in the Federal Register for the exchange of MB&B and MMC stock and sale of the Real Estate.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 20, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-1563. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by counsel for MMC, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set

forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

Description of the parties

1. MMC is a closely held corporation the stock of which is owned primarily (seventy (70) percent), by Richard H. Misener (Misener) and his wife (Mary Jane Misener), the balance of the stock is owned by five other officers of MMC. MMC is in the marine construction business and has been involved in a wide range of projects including construction of seawalls, marinas, docking facilities, piers and bridges, installation of foundation pilings, laying of underwater cable and participation in pipeline construction. MMC has been in business in the Florida gulf coast area since 1945. It employs, on a controlled group basis, approximately 700 employees. As of its fiscal year ending October 31, 1980, MMC and its affiliates had combined gross sales of almost \$75 million. During the same time period MMC had a before tax income of \$1,939,993.

2. MMC is affiliated with two other companies—Gulf Foundation, Inc. (Gulf) and MIC. Gulf, a closely held corporation the stock of which is owned by the same individuals who own MMC, engages in various types of marine construction projects similar to MMC. Unlike MMC, Gulf employs union labor; however, the company's union employees are excluded from the Gulf employee benefit plans. MIC was incorporated in 1975 to construct barges for commercial use and has its plant facility in Tampa, Florida.

3. Gulf maintains its own profit sharing plan (the Gulf Plan) with approximately twelve (12) participants in a separate trust although the assets are commingled for investment purposes in the MPT. Employees of both MMC and MIC participate in the Misener Profit Sharing Plan (the Misener Plan). The Misener Plan has approximately two hundred seventy two (272) participants as of the plan year which

ended October 31, 1980. The Misener Plan assets are held in a trust managed by three individual trustees (the Trustees): Misener (the President and Chairman of the Board of MMC), Violet O'Brien (O'Brien—Treasurer of MMC and Administrative Secretary to Misener) and John C. Dew, Esquire. Like the assets of the Gulf Plan, the Misener Plan assets have been commingled for investment purposes in the MPT. The Trustees also exercise investment responsibility over the assets of the MPT. As of October 31, 1980, MPT had total assets of \$5,359,599. In addition to the Misener Plan, MMC also maintains a non-contributory pension plan containing \$1.7 million in assets which is not involved in any of the transactions described in this exemption request.

Retroactive Transactions

1. Initially, the MPT was invested in common stock of unrelated companies and real estate. After several years of unsatisfactory investment performance, the Trustees decided to invest assets in a type of property in which they felt they had a special expertise—namely, barges and tugboats. The Trustees deemed that the purchase and leasing of such vessels would be a profitable investment. Barges serve as floating platforms upon which cranes, drilling equipment and various other types of heavy construction equipment can be positioned to do their work at sea. Tugboats are essential to marine construction inasmuch as barges are not self-propelled and must be towed to work site locations. Thus, wherever there is a need for a barge there will usually be a need for a tugboat. The applicant represents that both types of vessels are rugged and durable with relatively long lives and hold their value extremely well.

2. On November 5, 1970, the Trustees incorporated MB&B. Such incorporation was accomplished based on advice of counsel to insulate MPT from liability based on activities of the barge and tugboat fleet. The capital for the new corporation was acquired from the MPT in exchange for all issued and outstanding stock of MB&B. The sole capitalization of MB&B by MPT in November of 1970 was in the amount of \$29,750, at a time when MPT assets were valued in excess of \$233,000. Subsequently, all additional capital needed in the operation of MB&B came from debt financing and profits of MB&B. Since its inception the directors of MB&B (the Directors) have included: Misener, O'Brien and Mr. Stanley A. Heaton (Heaton—the Executive Vice-President of MMC). Except for its officers/directors, whose duties are

entirely ministerial, MB&B has no employees, nor does it occupy any office space. Since its formation MB&B has been engaged in the business of leasing barges and tugboats for work on marine construction projects. The only assets of MB&B have been its fleet of barges and tugboats which currently number fourteen and four respectively. The value of the MB&B stock held by the MPT is based on the sale value of the barge and tugboat fleet. As of October 31, 1980, the MB&B stock was valued at approximately \$2.6 million, an amount that represents forty-nine (49) percent of the MPT total assets. Since its inception, the MB&B barge and tugboat fleet has been leased almost exclusively to MMC and Gulf for periods of time ranging from a few days to one year. The applicant submits that the rates charged MMC and Gulf were at all times fair and reasonable and that they were not less than the rates which MB&B would have charged unrelated parties. The applicants have demonstrated that the rental rates charged MMC and its affiliates were at least market rates for the barge and tugboat rental industry. The applicant has further represented that annually the Directors evaluated and established rates for their equipment based on known rental rates of competitive leasing companies.

3. Additionally, MB&B barges and tugboats had to be regularly serviced so as to assure their sea-worthiness and their ability to perform their designated functions. From a time predating the Act until October 31, 1978, MMC, and to a lesser extent MIC, provided a portion of the service and maintenance work for the MB&B fleet. The applicants represent that the fees charged MB&B for such work were at all times fair and reasonable in that they were the same rates charged to others for similar services. The applicants documented that MB&B received more favorable rates for similar services than would otherwise be available from an unrelated party in the local area.

4. Originally MB&B purchased its barges and tugboats from companies unrelated to the MMC controlled group. However, when MIC was established in August of 1975 the Directors sought to make acquisitions from MIC where they could be assured that MB&B would pay no more for any barge acquisition than it would have paid had they been acquired from unrelated parties. From the date of its incorporation until October of 1980, MIC had constructed for sale fifty-eight (58) barges. Between the dates March 20, 1976 and May 23, 1977, MB&B purchased six barges from MIC. In each instance the Directors took steps to ensure that

MB&B obtained the most favorable rate available for such transactions. Such steps included competitive bidding, purchases on a fixed cost basis and preferential prices based on flexibility in delivery dates and early placement of orders. The combined sale price for these barge acquisitions was \$2,928,803.

5. All barge acquisitions were debt financed through local banking institutions with the barges serving as collateral for the loans. Two early barge acquisitions represented more than thirty-five (35) percent of MB&B's total acquisition expense. In both cases, long term notes were executed by MB&B with Exchange National Bank of Tampa (Exchange) to finance the acquisition of the vessels. MMC signed as guarantor on both notes obligating itself for the repayment for all indebtedness, obligations or liabilities incurred by MB&B for the purchase of barges up to \$1.5 million. The issuance of this guarantee permitted Exchange to extend the credit to MB&B. These notes are still outstanding and MMC continues as guarantor. When MB&B made a major tugboat acquisition financed through Commercial Credit Industrial Corporation, MMC again guaranteed the note. This latter note was paid in full by MB&B during its fiscal year ending October 31, 1979. MMC did not receive any fee or other form of compensation for acting as guarantor. It agreed to guarantee the notes solely to further the interest of MB&B which in turn furthered the interest of MPT and the participating plans. By interposing its own capital and assets between a creditor and MPT the applicant suggests such conduct served to protect the assets of the MPT.

6. The MPT Trustees permitted MB&B to engage in the above described transactions with MMC and related companies based upon the advice of counsel that the transactions entered into by MB&B were not to be considered transactions of the MPT. Therefore, when the fiduciary responsibility provisions of the Act become effective in January of 1975, the MPT Trustees believed that the transactions were not prohibited transactions. While the MPT Trustees did not operate the MB&B with the prohibited transaction provisions of the Act in mind, they nevertheless, took those steps necessary in an ordinary business setting to assure themselves that their decisions were based on the best interests of those plans participating in the MPT and their respective participants and beneficiaries.

The Trustees of the MPT became aware of the existence of possible prohibited transactions through an

attorney retained by Misener for estate planning purposes in late October of 1978. As soon as the possibility of prohibited transaction violations became known, the sales and servicing arrangements between MB&B and MMC or related companies were immediately terminated. However, the Directors determined that it would not be in the best interests of the MPT to discontinue the leasing arrangements with MMC because alternative leasing arrangements were uncertain and the Directors were concerned about the loss of rental income should the barges or tugboats sit idle for any period of time. In an effort to reduce the level of dependence between MB&B and the MMC controlled group, the Directors advertised the availability for lease of the MB&B fleet in trade publications but continued the existing leasing practices. Some unrelated third party rentals have been arranged as a result of these efforts. In addition, Trustees took steps to disclose to the Department the possible violations. On February 5, 1979 the Trustees noted the possible violations on the required annual financial filing of the MPT (Form 5500 filed with the Department and the Internal Revenue Service) and stated that an exemption application under section 408(a) of the Act and section 4975(c)(2) of the Code was being prepared. An application for exemption was subsequently filed on October 5, 1979. All legal fees resulting from the preparation and representation of MPT and the other parties in conjunction with the exemption application have been paid by MMC.

7. On July 18, 1975, MPT acquired the Real Estate from an unrelated party for \$599,500. The Real Estate consists of twenty two (22) acres of waterfront property located in the Tampa Bay area. The Trustees entered into a ten (10) year net lease with MMC on August 1, 1975. MMC simultaneously sublet a portion of the Real Estate to MIC. Thereafter, the Real Estate was developed by MMC and MIC so that it could be used as the permanent site for MIC's barge fabrication business. In addition to the structures placed on the Real Estate, MMC also improved the property by the construction of a concrete seawall and a steel sheet pile bulkhead. MMC treated the seawall and bulkhead—valued at almost \$335,000—as a contribution to the Misener Plan. The substantial improvements to the Real Estate prompted the Trustees to execute new leases based upon the increased value of the Real Estate. The Trustees agreed to lease twenty five (25) percent of the property to MMC for a ten year period

beginning November 1, 1977. The Trustees leased the balance of the Real Estate to MIC, also for a ten year period beginning November 1, 1977. As of October 31, 1980, the Real Estate was valued at \$1,054,000, a figure representing twenty (20) percent of MPT assets.

Prospective Transactions

1. With respect to the continuation of leasing arrangements of barges and tugboats between MB&B and the MMC controlled group, the Trustees originally sought administrative relief to continue the leasing arrangement because MB&B profitability had been primarily based on its relationship to MMC to ensure full utilization of its fleet. Absent an exemption or less the loss of MMC business can be made up by leasing barges to third parties, the profitability of MB&B's leasing business will suffer a loss to the detriment of the participating plans in the MPT and their participants and beneficiaries. Northern Trust Company (Northern), a party independent of and unrelated to MMC, has reviewed the options available to MPT and stated that an exchange by the MPT of its entire stockholding interest in MB&B for voting common stock of MMC of equal value would be the most appropriate resolution of the current leasing arrangement. Northern has stated that such a transaction would be in the interests of the affected plans and their participants and beneficiaries. While recognizing that no market exists for either stock, Northern stated that the transaction, through not improving the liquidity of the MPT, benefits the MPT by providing it with voting shares of a larger, more widely held enterprise. To assure that full value is received by the MPT, independent appraisers have been engaged by the MPT Trustees to determine the fair market value of both MB&B and MMC stock. No commissions for the exchange will be charged to the MPT and all appraisal fees will be paid by MMC. It is further understood that such an exchange, which will result in the MPT acquiring qualifying employer securities, will not result in the participating profit sharing plans exceeding that amount of such securities authorized by the respective plan documents. MMC has represented that the stock exchange will be consummated within sixty (60) days of the date a final grant of the exemption is published in the **Federal Register**.

2. In an effort to correct the prohibited transaction lease involving the Real Estate, the MPT Trustees propose a cash sale of the Real Estate to Mary Jane Misener, a party in interest with respect

to both plans participating in the MPT. The sale price for the Real Estate will be the highest value of the property as individually determined by two qualified independent real estate appraisers. This decision to sell the Real Estate has been based on a statement by Northern. Inasmuch as a cash sale for fair market value will improve MPT liquidity and provide the trustees with the opportunity to diversify the investments of MPT, it was Northern's opinion that such a sale would be in the interests of the plans participating in the MPT and their participants and beneficiaries. There will be no real estate commission charged to the MPT in connection with the sale transaction.

Scope of Proposed Exemption

1. The applicants seek exemptive relief for all prior transactions which include: (1) the leasing of both the barges and tugboats to the MMC controlled group; (2) the servicing of the barge and tugboat fleet by both MMC and MIC; (3) the purchase of barges from MIC; (4) a guarantee of the debt financing by MMC; (5) the leasing of the Real Estate to both MMC and MIC; and (6) the contributions in kind of improvements to the Real Estate. The applicants are also seeking prospective relief to permit the exchange of the MB&B stock for MMC of equal value and for the sale of the Real Estate to Mary Jane Misener for cash. The Department has determined that, based on the record which has been developed, it is able to propose relief for only those retroactive transactions involving MB&B and both prospective transactions. The Department has decided not to propose an exemption for the transactions involving the leasing of the Real Estate by MPT to both MMC and MIC and the contributions in kind of improvements to the Real Estate to the Misener Plan.

2. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows:

a. With respect to the retroactive transactions involving MBB—

(1) The transactions between MB&B and the MMC controlled group commenced several years prior to the passage of the Act and constituted an established practice. These transactions were engaged in subsequent to that date only because counsel had advised the Trustees that transactions of MB&B were not transactions of MPT;

(2) The original and sole commitment of MPT to the MB&B corporate venture was approximately twelve (12) percent of MPT assets in 1970;

(3) The violations were voluntarily disclosed by the MPT Trustees when brought to their attention. Thereupon, the MPT trustees immediately terminated all transactions other than those the termination of which would have had a detrimental impact on the operation of MB&B;

(4) The barge and tugboat leasing activities between MB&B and the MMC controlled group were operated in such a way as to ensure that MB&B rates were competitive with leases of similar equipment by unrelated parties;

(5) Purchases of services and equipment from the MMC controlled group were made only where the Directors were assured that MB&B could not have obtained a more favorable price on the open market from an unrelated party;

(6) MMC offered its corporate guarantee to protect MB&B from loss should the rental income generated through the leasing activities not be sufficient to service certain of its debt financed purchases; and

(7) Based on their experience in and knowledge of the marine construction industry, the MPT Trustees believed that the business relationships with the MCC controlled group were operated in a manner that was protective and in the best interests of the MPT participants.

b. With respect to the prospective exchange of stock—

(1) It will be a one time transaction which will result in the MPT holding qualifying employer securities in accordance with the plan documents of those plans participating in the MPT;

(2) The exchange of stock will be based on the values of the respective corporations as determined by qualified independent appraisals;

(3) All costs of appraisals or other expenses incidental to the transfer will be paid by MMC; and

(4) The Trustees have obtained a statement from an independent fiduciary that such a transaction would be in the interests of the MPT participating plans and their participants and beneficiaries.

c. With respect to the prospective sale of the Real Estate—

(1) It will be a one time transaction for cash;

(2) It will allow the MPT to sell the Real Estate for a profit at a price determined by the higher of two independent appraisals;

(3) The MPT will not be required to pay any real estate commissions incidental to the sale; and

(4) The Trustees have obtained a statement from an independent fiduciary that such a transaction would be in the interests of the MPT participating plans and their participants and beneficiaries.

Notice to Interested Persons

On or before June 19, 1981 notice of the proposed exemption will be provided to all active participants of both the Misener Plan and the Gulf Plan. The notice will be posted prominently on employee bulletin boards at all operating locations. Field personnel will be notified by direct mailings. Such notice shall contain a copy of the notice of pendency as published in the Federal Register and inform the interested persons of their right to comment and their right to request a hearing within the period set forth in the notice of pendency.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of

whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the following transactions for the time periods as noted:

1. Retroactive Relief for—
 - a. The servicing of the MB&B barge and tugboat fleet by MMC and MIC from January 1, 1975 until October 31, 1978; and
 - b. The purchase by MB&B of barges from MIC between March 20, 1976 and May 23, 1977,
 provided the terms and conditions of the above described transactions have at all times been at least as favorable to the plans participating in the MPT as those they could have secured from unrelated third parties.
2. Retroactive and Prospective Relief for—
 - a. The leasing by MB&B of its barge and tugboat fleet to MMC and related companies from January 1, 1975 until the date of the stock exchange between MBB and MMC, provided that the terms and conditions of the leasing arrangements at all times have and will continue to be at least as favorable to the plans participating in the MPT as those they could have secured from unrelated third parties; and
 - b. The guarantee by MMC of loans made to MB&B by unrelated lending institutions from February 27, 1976 and continuing beyond the date this

exemption grant is published in the **Federal Register** until MMC is released by such lending institutions; and

3. Prospective Relief for—
 - a. The exchange of all MB&B stock for shares of MMC stock within sixty (60) days after the effective date of the exemption; and
 - b. The cash sale of the Real Estate to Mary Jane Misener; provided that the terms and conditions of the sale and exchange are at least as favorable to those plans participating in the MPT as similar transactions with an unrelated third party would be.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of June, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-17061 Filed 6-8-81; 8:45 am]
BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 12-03681-01 EA-81-14]

Burnside Steel Foundry Co.; Rescission of Order Imposing Civil Monetary Penalties

I

Burnside Steel Foundry Company, Chicago, Illinois (the "licensee") was the holder of Byproduct Material License No. 12-03681-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorized the licensee to perform industrial radiography at 1300 East 92nd Street, Chicago, Illinois, in accordance with the conditions specified therein. The license was originally issued on June 19, 1958 and had been amended periodically since. The license was terminated on May 22, 1981.

II

A routine inspection was conducted of licensed activities under the license on October 1, 1980. The inspection showed the existence of a number of apparent items of noncompliance. This finding resulted in the issuance on February 2,

1981, of a Notice of Violation and Proposed Imposition of Civil Penalties.

III

By letter dated February 19, 1981, the licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties. In the February 19, 1981 response the licensee denied four of the apparent items of noncompliance, admitted the three remaining items, and stated the three admitted deficiencies had been corrected.

IV

Upon consideration of the answers received in the licensee's February 19, 1981 letter it was determined that the penalties proposed for the items of noncompliance designated in the Notice of Violation should be imposed except for Item 4. Accordingly, on April 1, 1981, an Order Imposing Civil Monetary Penalties in the cumulative amount of Two Thousand One Hundred Fifty Dollars was issued.

By letter dated April 7, 1981, the licensee responded to the Order Imposing Civil Monetary Penalties. In the April 7, 1981 response the licensee stated all radiography operations at Burnside Steel had ceased, the two cobalt-60 sealed sources had been disposed of and that it would request termination of its license. In response to the licensee's request, the Office of Nuclear Material Safety and Safeguards terminated License No. 12-003681-01 on May 22, 1981.

Accordingly, under the circumstances of this case, the Order Imposing Civil Monetary Penalties, dated April 1, 1981, is hereby rescinded.

Effective Date: June 2, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

[FR Doc. 81-17090 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Provisional Operating License No. DPR-19, issued to Commonwealth Edison Company, which amended the license for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois.

The amendment is effective as of the date of issuance.

The amendment authorizes operation of Dresden Unit No. 2 for four weeks with one recirculation loop out of service. The amendment adds 8 license conditions requiring a power level reduction and reduced safety system settings to provide an equivalent level of safety for operation with one recirculation loop out of service.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 24, 1981 as supplemented on May 27, 1981, (2) Amendment No. 61 to Provisional Operating License No. DPR-19 and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June, 1981.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,
*Chief, Operating Reactors Branch No. 5,
Division of Licensing.*

[FR Doc. 81-17091 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 40 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to clarify the term "OPERABLE" as it applies to single failure criterion for safety systems and modifies the decay time of spent fuel required for movement of the spent fuel cask, based on correction of a previous analysis error.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 20 and October 16, 1980, (2) Amendment No. 40 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission,
Robert A. Clark,
*Chief, Operating Reactors Branch No. 3,
Division of Licensing.*

[FR Doc. 81-17092 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482 OL]

Kansas Gas & Electric Co., et al. (Wolf Creek Generating Station, Unit 1); Hearing

June 3, 1981.

On December 18, 1980, the Nuclear Regulatory Commission published in the *Federal Register* (45 FR 83360) a notice of an opportunity for a hearing on the application of the Kansas Gas and Electric Co., et al., for an operating license at Wolf Creek Generating Station, Unit 1, in Coffey County, Kansas.

Timely requests for a hearing and intervention have been received from Wanda Christy, Mary Ellen Salava and Kansas for a Sensible Energy (KASE) and contentions submitted by the petitioners have been approved by the Board. The petitions of Francis Blaufuss and the Missouri-Kansas Section of the American Nuclear Society to intervene have been denied. The request of the Missouri Public Service Commission and the Kansas Corporation Commission to participate as an interested State agency are approved.

A hearing will be conducted in this proceeding. At the appropriate time the Board will hold a prehearing conference pursuant to 10 CFR 2.752. The Board is invited to attend any prehearing conference as well as the evidentiary hearing. In accordance with the rules, any person not a party to the proceeding, will be permitted to make a limited appearance statement at any session. Persons desiring to make a limited appearance statement are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details on any matters involved in this proceeding, including Orders of this Board, contact either the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, or the Coffey County Courthouse, Burlington, Kansas 66839.

As they become available, the following documents will be placed in the above locations:

- The Safety Evaluation Report
- The draft and final environmental statements
- The report of the Advisory Committee on Reactor Safeguards
- The proposed facility operating license
- The technical specifications to be attached to the license

Dated at Bethesda, Maryland this 3rd day of June 1981.

For the Atomic Safety and Licensing Board.
James P. Gleason,
Chairman, Administrative Judge.

[FR Doc. 81-17093 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. Jersey Central Power & Light Co., and Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to permit hot functional testing without requiring carbon analysis of the carbon filters for the control building emergency ventilation system and the reactor building purge exhaust system. This amendment is applicable only during the hot functional testing period which is part of the restart program and the carbon filters will be analyzed and replaced prior to reactor startup following any unusual activities (i.e., major construction or painting) which could degrade the filters.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 24, 1981, (2) Amendment No. 67 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room,

1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of June 1981.

For the Nuclear Regulatory Commission.
John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-17094 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to approve the instrumentation scale changes necessary to provide a common reactor reference level.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission rules and regulations in 10 CFR Chapter I which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 5, 1980, (2)

Amendment No. 45 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 1st day of June 1981.

For the Nuclear Regulatory Commission.
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-17095 Filed 6-8-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co.; Availability of Final Environmental Statement for the Virgil C. Summer Nuclear Station, Unit No. 1

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Richland County Public Library, 1400 Sumter Street, Columbia, South Carolina 29201. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the State Auditor, P.O. Box 11333, Columbia, South Carolina 29211, and at the Central Midlands Regional Planning Council, 800 Dutch Square Boulevard, Columbia, South Carolina 29210.

The notice of availability of the Draft Environmental Statement for the Virgil C. Summer Nuclear Station, Unit 1 and requests for comments from interested persons was published in the *Federal Register* on July 9, 1979 (44 FR 40130). A notice of availability of a Supplement to the Draft Environmental Statement and request for comments was published in the *Federal Register* on November 14, 1980 (45 FR 75399). The comments received from Federal, State, and local

agencies, and interested members of the public have been included as appendices in the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0719) may be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 1st day of June, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-17006 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[License Nos. DPR-33, DPR-52, DPR-68; EA 81-30]

Tennessee Valley Authority (Browns Ferry Plant); Order Imposing Civil Monetary Penalties

I

Tennessee Valley Authority, 500A Chestnut Street Tower II, Chattanooga, TN 37401, (the "licensee") is the holder of License Nos. DPR-33, DPR-52 and DPR-68 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission"). License Nos. DPR-33, DPR-52 and DPR-68 authorize operation of the Browns Ferry Nuclear Plant in Limestone County, Alabama, under certain specified conditions and are due to expire on May 10, 2007, May 10, 2007, and July 31, 2008, respectively.

II

An inspection of the licensee's activities under the license was conducted on January 6-9 and 20-23, 1981, at the Browns Ferry Nuclear Plant in Limestone County, Alabama. As a result of this inspection, it appears that the licensee has not conducted its activities in full compliance with conditions of its licenses and with the requirements of NRC regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated March 20, 1981. The Notice stated the nature of the violations, the provisions of Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalties proposed for each violation. An answer dated April 3, 1981, to the Notice of Violation and Proposed

Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for mitigation of the proposed civil penalties, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed, except for Item C. Item C and its proposed civil penalty of \$5,000 have been withdrawn.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that: The licensee pay civil penalties in the total amount of Forty-Five Thousand Dollars (\$45,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the office of Inspection and Enforcement.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations and license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties, as modified in the Appendix to this Order; and,

(b) whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 3rd day of June 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

Each violation and associated civil penalty identified in the Notice of Violation and Proposed Imposition of Civil Penalties dated March 20, 1981, is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item is presented. With the exception of items C and G the licensee admits the violations. The licensee asks, however, that the penalties for the admitted violations be mitigated by remission of the 25% increase over the base value civil penalty shown in Table 1 of the Interim Enforcement Policy. An evaluation of the licensee's arguments in support of mitigation is set forth at the end of this Appendix.

Statement of Noncompliance

A. Facility Operating License paragraph 2.D. (1)(b) for Units 1 and 2 and paragraph 2.E(2)(b) for Unit 3 require the licensee to install automatic pre-action sprinkler systems in all areas of the plant required for safe shutdown by the end of the first refueling outage of any of the plant units after August 20, 1976. Unit 1 completed the first refueling outage on January 15, 1978. Areas requiring automatic pre-action sprinkler systems were identified in Part X, Section A of TVA's document "Browns Ferry Nuclear Plant Design Changes for the Recovery From the Fire of March 22, 1975", which included the electrical cable area for the RHR service water pumps at the in take pumping structure.

Contrary to the above, an automatic pre-action sprinkler system has not been installed in the intake pumping station.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$21,000.

Evaluation of Licensee Response

The licensee admits the violation. The licensee explains the failure to provide an automatic sprinkler system as an oversight. Once this oversight was detected, a continuous fire watch was established in the intake pumping station and was maintained until the sprinkler system was installed. The licensee now states that the sprinkler system is installed and tested.

Conclusion

The item as stated is a violation. The information provided by the licensee

does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

B. Facility Operating License
Paragraphs 2.D(1)(e) for Units 1 and 2 and 2.E(2)(e) for Unit 3 require fire protection features of the emergency battery room complex to be changed to do one of the following: (1) provide a total fire rated barrier enclosure of the facility battery room complex that exceeds the fire load contained in the room; (2) reduce the fire load to be within the fire barrier capability of 1½ hours; or (3) provide a remote manual actuated sprinkler system in each room and provide the 1½ hours fire barrier separation. This change was required to be completed prior to the end of the first refueling outage. Unit 1 completed the first refueling outage on January 15, 1978.

Contrary to the above, the fire protection features provided for the battery rooms do not meet one of the three required modifications. TVA selected modification item 3 and provided a sprinkler system for each emergency battery room; however, a 1½ hour fire barrier was not provided. Ventilation ducts penetrate each battery room and are not equipped with fire dampers at each penetration. This voids the fire resistant rating of each enclosure.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$8,000.

Evaluation of Licensee Response

The licensee admits the violation, but states that only the ventilation ducts which penetrate the battery rooms for Units 2 and 3 are not equipped with fire dampers. The fire barrier separation philosophy applied by the licensee in the design of the plant was to prevent a single fire from causing the loss of more than one battery room complex. Since battery rooms 2 and 3 are separated by a distance of approximately 193 feet, the licensee states that a single fire probably would not cause the loss of both battery rooms.

NRC guidelines and general industry practice encourage utilization of fire barriers to protect safety related components from a fire involving either the redundant component or other areas of the plant. The NFPA criteria for ventilation system (NFPA-90A, Air Conditioning Systems and NFPA-91, Blower and Exhaust Systems) require ducts passing through fire barriers to be equipped with fire dampers of a fire resistant rating equivalent to the barrier. The licensee's present battery rooms do not meet these criteria. The licensee is

required to have battery rooms with 1½ hour-rated fire barriers. Physical separation of battery rooms does not relieve the licensee of this requirement.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

C. Facility Operating License
Paragraphs 2.D(1)(c) and 2.D(1)(d) for Units 1 and 2 and paragraphs 2.E(2)(c) and 2.E(2)(d) for Unit 3 require a manual dry pipe sprinkler system for the cable spreading rooms and an automatic actuated carbon dioxide system for the cable spreading rooms.

Contrary to the above, the cable spreading rooms' dry pipe sprinkler systems are automatic operation and the carbon dioxide systems are manual in operation. A license change to describe the current operation of the fire suppression systems for the cable spreading rooms has not been obtained.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$5,000.

Evaluation of Licensee Response

The licensee does not agree that this represents a violation. The licensee changed the method of actuation for the cable spreading rooms fire suppression systems based on recommendations from the NRC. The NRC was advised by letter dated April 20, 1978, that these changes were to be completed by April 30, 1978. The licensee considers that the NRC was given sufficient notification to amend the license.

While only the NRC can modify the conditions of a license, the licensee bears the responsibility of compliance with existing license conditions and the responsibility to seek amendments to its license when other conditions may be preferable to existing requirements. The provision in question was a specific condition of the Browns Ferry licenses, and the licensee was not authorized, therefore, to change the arrangement of the fire suppression systems prior to obtaining a license amendment.

The licensee has now sought an amendment to its license. Under the circumstances of this matter, the violation and the associated civil penalty have been withdrawn.

Conclusion

The violation has been withdrawn.

Statement of Noncompliance

D. Technical Specification 3.11.B
requires that a continuous fire watch be

established in the cable spreading rooms and a patrolling fire watch be established to make hourly checks of other (CO₂) protected locations whenever the CO₂ fire protection system is lost.

Contrary to the above, the fire watches for the cable spreading rooms were conducted intermittently and the patrolling fire watch did not enter the auxiliary instrument rooms for hourly checks for all three units when the CO₂ system was out of service on October 5, 1980 between 7:12 p.m. and 9:00 p.m.

This is a Severity Level III Violation (Supplement I.C.2). A similar item was identified in Inspection Report 50-259/80-34.

Civil Penalty—\$5,000.

Evaluation of Licensee Response

The licensee admits the violation, but states that the violation occurred on October 15, 1980, rather than on October 5, 1980, as stated in the Notice. The licensee posted fire watches in the area lacking carbon dioxide protection, but failed to instruct the watches to enter the individual rooms as required by the Technical Specifications.

Conclusion

The item is corrected to indicate that the violation occurred on October 15, 1980. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

E. Technical Specification Section 4.11.A.1.b requires each high pressure fire protection system pump to be tested for operability once per month.

Contrary to the above, fire pump No. A was not tested for operability during October 1980.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$2,000.

Evaluation of Licensee Response

The licensee admits the violation. This violation was due to operations personnel testing the diesel-driven fire pump twice during October 1980 while failing to test fire pump A.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

F. Technical Specification Section 6.3.A.10 requires written procedures covering the fire protection and

prevention program to be prepared, approved and adhered to.

1. TVA Browns Ferry Emergency Plan—Fire, Explosion and Natural Disaster Plan, Section 11 requires each operating crew to participate in a fire drill at least once per three months.

Contrary to the above, each operating crew did not participate in a fire drill at least once per three months as required during 1980. The 1980 drill participation was: Group 1—two; Group 2—one; Group 3—one; Group 4—two; Group 5—one.

This is a Severity Level III Violation (Supplement I.2.C).

Civil Penalty—\$3,000.

Evaluation of Licensee Response

The licensee admits the violation. The fire drills were not scheduled as required. However, each crew did participate in some drills during the year and three of the five crews did participate in at least a drill or a fire response during each quarter of 1980.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

F. Technical Specification Section 6.3.A.10 requires written procedures covering the fire protection and prevention program to be prepared, approved, and adhered to.

2. TVA procedure MMI-75, Installation and Repair of Penetration and Fire Stops, Section 6.4.8 limits the maximum number of uncoated (not coated with "Flamemastic" fire resistance material) electrical cables within a cable tray to ten.

Contrary to the above, over ten uncoated electrical cables are installed in cable trays in all three units.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$2,000.

Evaluation of Licensee Response

The licensee admits the violation. The licensee attributes this violation to the large number of NRC-required modifications and the tight schedule required for completion of these modifications. The number of cables which should be left uncoated within a cable tray apparently does not exist in either an NRC guideline or an industry standard. The limit of 10 uncoated cables was selected by TVA for administrative control. The cables used at Browns Ferry during the construction of the plant were combustible; however, most of the cables utilized in recent

years contain a fire retardant outer jacket.

The licensee is required by the Technical Specifications to develop and implement procedures to which it can adhere. If a limitation to 10-cables per tray is overly restrictive, the procedures should have been revised if such a revision would be consistent with public health and safety. When a licensee promulgates procedures, the NRC expects the licensee to adhere to them.

Conclusion

This item as stated is a violation. The information provided by the licensee does not provide a sufficient basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

G. Technical Specifications Section 3.11.F states "If it becomes necessary to breach a fire stop, an attendant shall be posted on each side of an open penetration until work is completed and the penetration is resealed." The required attendant was not posted in each of the following examples:

1. The fire door (door No. 632) separating the Unit 1 electrical shutdown board rooms is a fire stop and must be maintained in the closed position.

Contrary to the above, door No. 632 was found open due to an inoperative door closer on January 21, 1981 and the required attendants were not posted.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$2,000.

2. The fire stops separating the Unit 3 electrical shutdown board rooms include door Nos. 655 and 656 which are required to be maintained in the closed position.

Contrary to the above, door Nos. 655 and 656 were found blocked and wedged in the open position on January 21, 1981 and the required attendants were not posted.

This is a Severity Level III Violation (Supplement I.C.2).

Civil Penalty—\$2,000.

Evaluation of Licensee Response

The licensee denies that this situation is a violation of Technical Specification 3.11.F, but acknowledges that this item was a deviation from industry standards and good operating practice. The licensee notes that it has implemented the requirements of 10 CFR Part 50, App. R, on inspection of fire doors, and requests mitigation on this basis as well.

Devices installed or provided in fire barrier penetrations to restrict the spread of fire and smoke such as fire doors are fire stops; therefore, these fire

doors are penetrations which require posting under the conditions of the Technical Specifications. While new regulation may indicate specific requirements for operation and surveillance of fire doors, the licensee is still expected to conform with existing requirements that may cover the same equipment.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Evaluation and Conclusion With Respect to the Licensee's Arguments in Support of Mitigation

In accordance with the Interim Enforcement Policy, 45 FR 66754 (Oct. 7, 1980), a base penalty of \$40,000 was assessed for the violations set forth in the Notice of Violation and Proposed Imposition of Civil Penalties. This base penalty was increased by 25% to \$50,000, because TVA could have reasonably been expected to take effective measures to prevent these violations. In its answer to the Notice, the licensee gives the following basic reasons why the 25% increase is not warranted:

(1) The violations did not represent a significant programmatic breakdown in the licensee's fire protection program;

(2) The violations were isolated occurrences and were not willful and, therefore, do not reflect bad faith on the part of the licensee (see particularly responses to items A, E & F.2);

(3) No significant degradation of fire protection systems occurred as a result of the individual violations (see particularly responses to items B, D, E, F.1, & F.2); and

(4) The licensee took prompt corrective action (see particularly responses to items A, D, & G).

The NRC recognizes that the violations were not willful and were not the result of "bad faith" on the part of the licensee. Had these elements been present, it is likely that penalties at the statutory maximum would have been proposed and the concurrent issuance of orders would have been considered. Although no individual violation defeated the entire fire protection system, this factor was taken into account in our categorization of the entire list of violations at Severity Level III. The violations are still, in our view, significant because they reflect a partial degradation of the fire protection systems or a reduction in the confidence that equipment and personnel will be maintained and function as required.

While the licensee has taken prompt corrective action for the violations, such action is always required and does not serve as a basis for mitigating the penalties proposed here.

As a result of the 1975 fire at Browns Ferry, TVA should have been acutely aware of the importance of assuring that an adequate fire protection program was implemented at its nuclear plants. Even though TVA satisfied many of these requirements, the number of violations identified during the inspection indicate that TVA management did not exercise sufficient control over the fire protection program. TVA could have been reasonably expected to take effective measures to prevent the types of violations that were identified. The 25% increase over the base value civil penalty is appropriate owing to TVA's prior knowledge of the importance of meeting all fire protection requirements. Therefore, mitigation by remission of the 25% increase, as TVA requests, is not warranted.

[FR Doc. 81-17007 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co., Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-32 and Amendment No. 68 to Facility Operating License No. DPR-37 issued to Virginia Electric & Power Company (the licensee), which revised Technical Specifications for operations of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to delete reference to the proposed Appendix J to 10 CFR Part 50 and clarify the requirement for testing the personnel air lock.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 22, 1978, as supplemented January 9 and September 24, 1979, (2) Amendment Nos. 68 and 68 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of May, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Chief, Operating Reactor Branch No. 1,
Division of Licensing.

[FR Doc. 81-17008 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. NPF-4 issued to the Virginia Electric & Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia.

The amendment is administrative in nature in that it provides revised, retyped and renumbered pages to the license to facilitate ease in identifying current license conditions.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this

amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action see (1) Amendment No. 31 to License No. NPF-4 and (2) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of these items may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of May 1981.

For the Nuclear Regulatory Commission

Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 81-17009 Filed 6-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 414A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Piedmont Municipal Power Agency, for the Catawba Nuclear Station, Unit 2. The current holders of the construction permit are Duke Power Company and North Carolina Municipal Power Agency Number 1.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in York County,

South Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 2.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction Permits and Facility Licenses and availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the **Federal Register** on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with respect to the Piedmont Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before July 21, 1981.

Dated at Bethesda, Md., this 9th day of May 1981.

For the Nuclear Regulatory Commission,

E. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-14026 Filed 5-16-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL FEDERALISM ADVISORY COMMITTEE

Open Meeting

June 8, 1981.

The Presidential Federalism Advisory Committee will meet on Tuesday, June 23, 1981, from 9:00 a.m. to 12:00 p.m. at the Departmental Auditorium on Constitution Avenue, between 12th and 14th Streets.

The Committee was established by Executive Order 12303 on April 8, 1981. The Chairman of the Committee is U.S. Senator Paul Laxalt. The Committee is composed of members from among private citizens of the United States, public officials from state and local governments, and members of the Legislative and Executive branches of

the federal government who shall be appointed by the President. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overall federalism policy of the United States.

The Committee will discuss issue clusters in the following areas: (1) federalism and the return of authority and responsibility to state and local governments; (2) land and water issues; (3) housing and urban development; (4) education policy; (5) transportation; and (6) health and human services.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matters identified above. Approximately 100 seats will be available for the public on a first come, first served basis. The committee meeting will be recorded and the transcript may be examined in the Committee's Office at the Old Executive Office Building, Room 122, 17th and Pennsylvania Avenue, NW., Washington, D.C.

Because of the need to obtain input on the President's federalism initiatives at the earliest possible date, less than 15 days' notice is being given.

For further information, contact Rick Neal at (202) 456-7150.

Richard S. Williamson,

Assistant to the President.

[FR Doc. 81-17226 Filed 6-8-81; 9:23 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17835; File No. SR-
NESDTC-81-1]

New England Securities Depository Trust Co.; Temporary Increase on All New England Securities Depository Trust Company Billings to Participants

Comments requested on or before July 1, 1981. Pursuant to Section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 11, 1981 the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

The New England Securities

Depository Trust Company will impose a temporary 15% increase on all billings to participants effective for the period May 1, 1981, through September 30, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed temporary 15 percent increase on all New England Securities Depository Trust Company billings to participants was necessitated by increased costs in communications, data processing, leasehold, and personnel. The 15 percent, while temporary in nature, would assist the Depository to cover expenses and would allow the time required to complete a detailed study of all income and expenses prior to the next fiscal year beginning October 1, 1981.

(b) The proposed rule is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed temporary increase was adopted to reflect increased inflation and operational costs while ensuring an efficient system for the settlement of trades and the safekeeping of assets. Since the above-stated economic factors are not unique to the New England Securities Depository Trust Company, it

is believed that no burdens have been placed on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and the Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 1, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17110 Filed 6-8-81; 8:45 am]

BILLING CODE 8010-01-M

Release No. 17834 File No. SIPC-81-1]

Securities Investor Protection Corp., Filing of Proposed Rule Change and Order Approving Proposed Rule Change

June 3, 1981.

Pursuant to Section 3(e)(2) of the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. 78(ccc)(e)(2) (the "SIPA Act"), notice is hereby given that on May 7, 1981, the Securities Investor Protection Corporation, 900 17th Street, NW, Washington D.C. 20006, filed with the Commission copies of a proposed rule change making technical conforming changes to SIPC Rules 100(a) and 300(a) [17 CFR 300.100(a) and 300(a)] which are necessitated by the Bankruptcy Reform Act of 1978.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 1, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SIPC-81-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

The Commission finds that the proposed rule change is in the public interest and is consistent with the purposes of the SIPA Act. The Commission further finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The proposed rule change is technical in nature and is necessitated by operation of law through the enactment of the Bankruptcy Reform Act of 1978.

It is therefore ordered, pursuant to Section 3(e)(2) of the SIPA Act, that the proposed rule change referenced above be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17111 Filed 6-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 98; File No. SIPC-81-1]

Securities Investor Protection Corp.; Filing of Proposed Rule Change Approving Proposed Rule Change

Pursuant to Section 3(e)(2) of the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. § 78(ccc)(e)(2) (the "SIPA Act"), notice is hereby given that on May 7, 1981, the Securities Investor Protection Corporation, 900 17th Street NW., Washington, D.C. 20006, filed with the Commission copies of a proposed rule change making technical conforming changes to SIPC Rules 100(a) and 300(a) [17 CFR §§ 300.100(a) and 300(a)] which are necessitated by the Bankruptcy Reform Act of 1978.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 1, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SIPC-81-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is in the public interest and is consistent with the purposes of the SIPA Act. The Commission further finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The proposed rule change is technical in nature and is necessitated by operation of law through the enactment of the Bankruptcy Reform Act of 1978.

It is therefore ordered, pursuant to Section 3(e)(2) of the SIPA Act, that the proposed rule change referenced above be, and it hereby is, approved.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17112 Filed 6-8-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17834; File No. SR-CBOE-81-4]

Chicago Board Options Exchange, Inc.; Securities Accounts and Orders of Marketmakers

Comments Requested on or Before July 1, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 22, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions are italicized; deletions are in brackets.

Securities Accounts and Orders of Marketmakers

Rule 8.9 (a) through (c) No change.

. . . Interpretations and Policies:

.01 [.02 In order to establish a joint account which acts in the capacity of a Market-Maker, there may not be more than two participants of which at least one shall be an individual who is registered as a Market-Maker. If the other participant in such joint account is to be a member organization, it shall either (a) have a registered Market-Maker register his membership for the organization, (b) have a nominee of the organization who is a registered Market-Maker or (c) be a clearing member which clears and carries such joint account. All references herein to individuals registered as Market-Makers shall mean those having appointments under Rule 8.7(b). Member organizations meeting the requirements of (a) and (b) above who participate in joint accounts shall be deemed to be registered as Market-Makers for the purpose of transactions in such accounts.] *A participant in a joint account must be either (i) a Market-Maker having an appointment under Rule 8.7(b) or (ii) a clearing member which carries the joint account. A Market-Maker may participate in a joint account on behalf of a member organization with which he is associated. Market-Makers participating in a joint account may be associated with the same member organization.*

.02 [.03] Each participant in a joint account must [:]

[(a)] file with the [Department of Compliance] *Membership Department* and thereafter keep current a complete application on such form as is prescribed by the Exchange [:].

[(b) be registered in accordance with the provisions of Section 15(a)(i) of the Securities Exchange Act of 1934.]

Upon determination by the [Compliance Department] *Membership Department* not to disapprove a joint account, notice will be promptly mailed to all Exchange members.

.03 [.04] The following formulae will be used in apportioning contract volume among participants in a joint account under Exchange Rules:

(a) For purposes of evaluating Market-Maker performance in accordance with Rule 8.7, [all contract volume from] *trading activity in the joint account shall be [assigned] credited to the participant [s based upon their profit and loss participation in the joint account as shown on the joint account application. Notwithstanding this, however, where only one participant is an individual Market-Maker, he shall be assigned all of the volume in the joint account] initiating each transaction.*

[(b) For purposes of determining continued eligibility under Rule 8.3.02(1) for Supplemental Appointment only, if a participant in the joint account also acts as a Floor Broker, contracts in any Market-Maker joint account in which said Floor Broker participates shall be assigned to him in accordance with the formula set forth in (a) above and shall be aggregated with contracts executed as a Market-Maker which are cleared through any individual trading account of such Floor Broker. If the number of contracts executed as a Floor Broker on a quarterly basis do not exceed the total number of contracts executed as a Market-Maker, such participant will be required to obtain a Principal Appointment.]

[(c) For purposes of assessing positions under Rule 4.11 and exercises under Rule 4.12, the following presumptions shall apply (lacking any other information regarding "inconcert" activity):

(i) A Market-Maker's position and exercises in his own trading account shall be aggregated with all of the positions in or exercises for any joint account in which he participates to determine whether or not the Market-Maker is in violation of Rule 4.11 and 4.12.

(ii) Positions in and exercises for a joint account shall be aggregated with the positions and exercises of each participant in the joint account to determine whether or not the joint account is in violation of Rule 4.11.

(iii) If one of the participants is a member organization, positions and exercises of the nominees of (and those registered for) the member organization (who are not also registered broker/dealers trading for their own account) must be aggregated in (i) and (ii) above.

.04 [.01] Each participant in [such] a joint account *and each member organization with which a participant is associated* shall be jointly and severally responsible for assuring that the account complies with the provisions of the Exchange Constitution, Rules and Interpretations thereof.

.05 *To compute the positions or exercises attributable to each participant in a joint account for purposes of determining compliance with Rules 4.11 and 4.12, positions or exercises in the joint account shall be aggregated with all positions or exercises in options covering the same underlying security which any participant or any member organization associated with a participant holds or controls or is obligated in respect of.*

[.05 Participants in the joint account may execute transactions with one another but shall not execute transactions with the joint account either as Floor Broker or Market-Maker.]

.06 *No participant in a joint account shall effect a transaction, either for his own account or for the joint account, with another member acting on behalf of the joint account.*

.07 [.06] No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

The proposed change to Rule 8.9 will allow an organization with which more than one market-maker is associated to form a single account in which all

transactions of the associated market-makers will be cleared and, for purposes of position limits, will be aggregated and netted. The proposed change also will allow multiple independent market-makers and/or market-makers associated with different organizations to form such joint market-making accounts. The proposed change, by permitting the establishment of group accounts among more than two market-makers, is designed to permit more effective utilization of capital by Exchange members engaged in market-making functions and thereby to enhance the quality of Exchange markets.

The requirement that joint-account participants be registered with the SEC as broker/dealers is eliminated from Rule 8.9. Under the present Rule participants can include member organizations; under the proposed Rule the only type of member organization that can participate in a joint account is the clearing member that carries the joint account. Nominees of member organizations who are market-makers with an appointment under Rule 8.7(b) can participate in a joint account under the proposed Rule. If they do not trade for their own account, nominees of member organizations do not have to be registered as broker/dealers. Therefore, the registration requirement has been eliminated from Rule 8.9. It should be noted that broker/dealer registration is required by Rules 3.2 and 3.3 for individuals and organizations owning a membership or memberships.

For purposes of surveillance and market-maker evaluation, the ability to identify each joint-account participant effecting a transaction will be maintained. Because the quality of Exchange markets will be enhanced without any diminution of surveillance capabilities, the proposed change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934, which is the statutory basis for this proposed rule change.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change were solicited or were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-17109 Filed 6-9-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 760]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its May 1981

list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: June 2, 1981.

John W. Kimball,
Director, Office of International Conferences.

United States Delegation to the International Natural Rubber Council Commodities, Kuala Lumpur, May 25-29, 1981

Representative

James C. Todd, Chief, Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Fred W. Siesseger, Director, Resources Policy Division, Department of Commerce

Adviser

James McGlinchey, American Embassy, Kuala Lumpur

Private Sector Advisers

Howard G. Chapel, Managing Director, Goodyear Orient Private, Ltd., Republic of Singapore
Charles T. Smith, Managing Director, Firestone Singapore Private, Ltd., Republic of Singapore

United States Delegation to the International Rubber Council, Interim Committee Commodities, Kuala Lumpur, May 19-22, 1981

Representative

Fred W. Siesseger, Director, Resources Policy Division, Department of Commerce

Alternate Representative

James C. Todd, Chief, Industrial and Strategic Materials, Bureau of Economic and Business Affairs, Department of State

Adviser

James McGlinchey, American Embassy, Kuala Lumpur

Private Sector advisers

Howard G. Chapel, Managing Director, Goodyear Orient Private, Ltd., Republic of Singapore
Charles T. Smith, Managing Director, Firestone Singapore Private, Ltd., Republic of Singapore

United States Delegation to the Steering Committee on Uranium Resources and Working Party on Uranium Resources, Nuclear Energy Agency/International Atomic Energy Agency (NEA/IAEA) Organization for Economic Cooperation and Development (OECD), Paris, May 19-21, 1981

Representative

John Patterson, Program Manager, Uranium Resources, Department of Energy

Adviser

Eleanor Steinberg, Bureau of Oceans and International Environment and Scientific Affairs, Department of State

Private Sector Adviser

Robert Nininger, Rockville, Maryland

United States Delegation to the 26th Session, Subcommittee on Subdivision, Stability and Load Lines, Intergovernmental Maritime Consultative Organization (IMCO), London, May 18-22, 1981

Representative

William A. Cleary, Jr., Chief, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Kevin A. Feeney, LCDR, USCG, Ship Characteristics Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Ronald E. Angermuller, Director of Admeasurement, Panama Canal Commission

Joseph T. Lewis, Chief, Admeasurement Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisers

Edward H. Middleton, Technical Advisor, Maritime Institute for Research and Industrial Development, Washington, D.C.
Thomas F. Robinson, General Manager, Technical Services; Bethlehem Steel Corporation, Sparrows Point, Maryland

United States Delegation to the International Sugar Organization, Council Commodities, London, May 18-22, 1981

Representative

Rollinde Prager, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Paul Pilkauskas, American Embassy, London

Advisers

John Barcas, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State
Frank Padavano, Horticultural and Tropical Products Division, Department of Agriculture

Private Sector Advisers

Richard Blake, Executive Vice President, American Sugarbeet Growers Association, Washington, D.C.; May 18-19
David Carter, President, U.S. Beet Sugar Association, Washington, D.C.; May 28-19
Horace Godfrey, Vice President, Florida Sugar Cane League, Washington, D.C.; May 20-22
Harold Jenkins, Director, Raw Materials Division, Nabisco, Inc., East Hanover, New Jersey; May 18-19
Nicholas Kominus, President, U.S. Cane Sugar Refiners Association, Washington, D.C.; May 20-22
Eiler Ravnholt, Vice President, Hawaiian Sugar Planters Association, Washington, D.C.; May 20-22
Don Wallace, President, Don Wallace Associates, Washington, D.C.; May 18-19

United States Delegation to the 23rd Session, Subcommittee on Radio Communications of the Intergovernmental Maritime Consultative Organization (IMCO), London, May 11-15, 1981

Representative

Leonard V. Dorrian, Commander, USCG, Chief, Telecommunications Management Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard F. Carlson, Lt. Commander, USCG, Chief, Systems Development and Technology Branch, United States Coast Guard, Department of Transportation

Advisers

Gordon E. Hempton, Captain, USCG (Ret), Special Assistant, Private Radio Bureau, Federal Communications Commission
Earl J. Holliman, Chief, Frequency Management Staff, United States Coast Guard, Department of Transportation
Robert C. McIntyre, Engineer, Federal Communications Commission
Lawrence M. Palmer, International Staff, Federal Communications Commission
Thomas Walsh, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

M. Harvey Strichartz, American Radio Association, AFL-CIO, New York, New York
Kenneth P. Wenthien, Maritime Services Committee, New York, New York

United States Delegation to the Study Group I of the International Telecommunications Union (ITU/CCITT), Geneva, May 11-13, 1981

Representative

Earl S. Barbely, Federal Communications Commission, Washington, D.C.

Private Sector Advisers

Howard Briley, Communications Satellite Corporation, Washington, D.C.
John Costello, Graphnet, Inc., Englewood, New Jersey
Vincent LaScala, ITT World Communications, New York, New York
George McGuire, Western Union Telegraph Company, New York, New York
Joseph Mendres, Western Union International, Inc., New York, New York
Philip Onstad, Control Data Corporation, Greenwich, Connecticut
Dennis O'Shea, IBM Corporation, Armonk, New York
Gary Rosch, Attorney, Washington, D.C.
Robert Saunders, American Telephone and Telegraph Company, Basking Ridge, New Jersey

United States Delegation to the Steel Committee, Working Party Organization for Economic Cooperation and Development (OECD), Paris, May 11-12, 1981

Representative

John D. Darroch, Director, Office of Basic Industries, Department of Commerce

Advisers

Diane Cook, Office of International Trade, Department of Treasury
Dennis Finnerty, Assistant Chief, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State
Joseph Papovich, Office of Foreign Economic Policy, Department of Labor

Private Sector Advisers

Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.
Peter Mulloney, Vice President, United States Steel Company, Pittsburgh, Pennsylvania
Jack Sheehan, Director, Legislative Department, United Steelworkers of America, Washington, D.C.
David Sobel, President, Interstate Steel Company, Des Plaines, Illinois

United States Delegation to the Meeting of the Facilitation Committee of the World Tourism Organization (WTO), Madrid, May 6-9, 1981

Representative

Jean O'Brien, Senior Policy Analyst, United States Travel Service, Department of Commerce

Private Sector Adviser

James Gorson, Facilitation Manager, Air Transport Association of America, Washington, D.C.

United States Delegation to the Seventh Session of the Administrative and Legal Committee of the Union for the Protection of New Plant Varieties (UPOV), Geneva, May 6-8, 1981

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Sidney B. Williams, Patent Attorney, Upjohn Company, Kalamazoo, Michigan

United States Delegation to the Working Group on Privileges and Immunities Protocol of the International Maritime Satellite Organization (INMARSAT), London, May 5-19, 1981

Representative

Horace F. Shamwell, Jr., Deputy Assistant Legal Adviser for Management, Office of the Legal Adviser, Department of State

Adviser

Samuel C. Keiter, U.S. Embassy, London

Private Sector Adviser

Robert D. Bourne, Communications Satellite Corporation, Washington, D.C.

United States Delegation to the Committee on International Investment and Multinational Enterprises (CIME), Working Group on Accounting Standards, Organization for Economic Cooperation and Development (OECD), Paris, May 5-7, 1981

Representative

Clarence Staubs, Office of the Chief Accountant, Securities and Exchange Commission

Private Sector Adviser

Richard D. Fitzgerald, Vice Chairman, Price Waterhouse International, New York, New York

United States Delegation to the Committee on the Challenges of Modern Society (CCMS) of the North Atlantic Treaty Organization, Brussels, May 5-6, 1981

Representative

The Honorable Darrell M. Trent, Deputy Secretary, Department of Transportation

Advisers

Harry C. Blaney III, Economic Adviser, U.S. Mission NATO

Margaret E. Brown, U.S. Coordinator for NATO/CCMS Activities, Environmental Protection Agency

David Pagan, Office of Solid Waste, Environmental Protection Agency

William R. Gemma, Associate Administrator for International Health Affairs, Department of Health and Human Services

F. Allen Harris, Director, Office of International Activities, Environmental Protection Agency

Terry Marie Levinson, Office of Advanced Conservation Technologies, Department of Energy

William A. Moffitt, CCMS Officer, Bureau of European Affairs, Department of State

John Schafer, Science and Education Administration, Department of Agriculture

Richard F. Walsh, Director, Office of Economics and Public Investment and Assistant to the Deputy Secretary, Department of Transportation

Patricia A. Woodring, CCMS Officer, U.S. Mission NATO

Private Sector Adviser

George Ball, Contract Manager, Monsanto Research Corporation, Dayton, Ohio

United States Delegation to the Sixth Preparatory Meeting on Cotton, United Nations Conference on Trade and Development (UNCTAD), Geneva, April 27-May 1, 1981

Representative

Frederick L. McEldowney, Office of the United States Trade Representative, Geneva

Alternate Representative

John Barcas, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State

Adviser

Gordon H. Lloyd, Tobacco and Cotton Division, Foreign Agricultural Service, Department of Agriculture

Private Sector Advisers

Carl C. Campbell, National Cotton Council of America, Washington D.C.

Peter E. Hirschfeld, First Vice President, American Cotton Shippers Association, Dallas, Texas

Carl J. Maneri, Chairman, Board of Governors, New York Cotton Exchange, New York, New York

United States Delegation to the Meeting of Study Group VII of the International Telecommunications Union (ITU/CCITT), Kyoto, Japan, April 23 to May 1, 1981

Representative

Thijs de Haas, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

Adviser

Eric L. Scaze, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington D.C.

Private Sector Advisers

Edmond J. Blauston, ITT World Communications, New York, New York

L. L. Butler, IBM Corporation Armonk, New York

Thomas Chin, Western Union International, New York, New York

Jerrold S. Foley, Burroughs Corporation, Detroit, Michigan

Harold Folts, National Communications System, Arlington, Virginia

Margaret Karp, GTE Telenet, Vienna, Virginia

Claude C. Kleckner, American Telephone and Telegraph Company, Basking Ridge, New Jersey

United States Delegation to the Aerodromes, Air Routes and Ground Aids (ADS) Divisional Meeting, International Civil Aviation Organization (ICAO), Montreal, April 22 to May 15, 1981

Representative

James W. Bushee, Chief, Design and Operations Criteria Division, Office of Airport Standards, Federal Aviation Administration

Alternate Representative

Luigi Iori, Group Leader, Design Standards Group, Office of Airport Standards, Federal Aviation Administration

Advisers

Robert Bates, Group Leader, NAVAIDS, Office of Airport Standards, Federal Aviation Administration

Walter M. Frucht, Civil Engineer, Office of Airport Standards, Federal Aviation Administration

Bertrand Ruggles, Airport Safety Specialist, Office of Airport Standards, Federal Aviation Administration

Leslie Vipond, Operations and Safety Specialist, Office of Airport Standards, Federal Aviation Administration

Private Sector Advisers

Edwin W. Abbott, Manager, Operational Facility Requirements, Air Transport Association, Washington D.C.

Jerry Fitzgerald, Manager, Aeronautical Service Division, John F. Kennedy Airport, Port Authority of New York and New Jersey

[FR Doc. 81-16968 Filed 6-8-81; 8:45 am]

BILLING CODE 4710-19-M

[Public Notice CM-8/414]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the SOLAS Subcommittee Working Group on Containers and Cargoes will conduct an open meeting on June 17, 1981, at 10:00 a.m., in Room 6200 of the Nassif Building, 400 7th and D Streets, SW., Washington, D.C. 20590.

The purpose of the meeting will be to discuss the proposed amendments to Appendix B of the IMCO Code of Safe Practices for Bulk Cargoes and in particular the entries for Ammonium Nitrate Fertilizers, Coal, Grains (Cereals), Ore Concentrates, Direct Reduced Iron (DRI) and Seed Cake.

For further information contact Mr. John F. McAnulty, U.S. Coast Guard (G-MHM), Washington, D.C. 20593. Telephone (202) 426-1577. Or contact Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, New York 10048. Telephone (212) 432-1280.

Dated: May 22, 1981.

James A. Treichel for,
John Todd Stewart,
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81-16974 Filed 6-8-81; 8:45 am]

BILLING CODE 4701-07-M

DEPARTMENT OF THE TREASURY

United States Customs Service

[T.D. 81-161]

Customs Approved Public Gauger

Approval of public gauger performing gauging under standards and procedures required by Customs.

Notice is hereby given pursuant to the provisions of 151.43 of the Customs Regulations (19 CFR 151.43) that the application of Commodity Control Services Corporation, 170 Broadway, New York, New York 10038, to gauge imported petroleum and petroleum products in the Customs Districts of New York, Houston, and New Orleans in accordance with the provisions of 151.43 of the Customs Regulations is approved.

Dated: May 29, 1981.

Anthony L. Piazza,

*Director, Entry Procedures and Penalties
Division.*

[FR Doc. 81-19988 Filed 6-8-81; 8:45 am]

BILLING CODE 4810-22-M

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

Correction

In FR Doc. 81-13214 appearing at page 24769 in the issue of Friday, May 1, 1981, please make the following change:

On page 24769, first column, under "SUMMARY", second paragraph, first line, "\$.30" should be changed to read "\$1.30".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 110

Tuesday, June 9, 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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (eastern time), Wednesday, June 10, 1981.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open:

1. Freedom of Information Act Appeal No. 81-04-FOIA-019-MK, concerning a request for certain documents from a charge file.
2. Request for approval of OIC's Publication, "A Bibliography of Federal Equal Employment Information Materials."
3. A report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 3, 1981.

[S-895-81 Filed 6-5-81; 11:22 a.m.]

BILLING CODE 6570-06-M

2

NUCLEAR REGULATORY COMMISSION.

DATE: Week of June 8, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, June 10:

- 1 p.m.
1. Discussion and Vote on GPU Federal Tort Claim—Draft Decision (approximately 1 hour—closed meeting/final portion may be open) (continued from affirmation session of June 4)

Tuesday, June 9:

- 10 a.m.
1. Briefing on McGuire Operating License (approximately 1 hour, public meeting) (as announced)
 2. Discussion of McGuire Operating License (closed meeting) (as announced)

- 2 p.m.
1. Discussion and Vote on Operating License for Sequoyah—2 (public meeting) (continued from June 4)

Wednesday, June 10:

- 2 p.m.
1. Briefing on Comments on EPA-Proposed Guidance for Occupational Exposures (public meeting) (as announced)

Thursday, June 11:

- 10 a.m.
1. Discussion and Possible Vote on 10 CFR 60, Disposal of High-Level Wastes in Geologic Repositories: Technical Criteria (public meeting)

- 2 p.m.
1. Briefing on Pressurized Thermal Shock (approximately 1½ hours, public meeting)
 2. Affirmation/Discussion Session (public meeting)
- Items to be affirmed and/or discussed:
- a. Significant Changes Decision in Summer Antitrust Matter
 - b. Publication of Guidelines for Mgmt. of Agreement State Radiation Control Programs
 - c. Reporting of Changes to Quality Assurance Programs
 - d. Commission Review of ALAB-603, St. Lucie (delayed from June 4)
 - e. Motion for a Stay of Certain Aspects of Final Rule on Fire Protection for Operating Nuclear Power Plants (delayed from June 4)

ADDITIONAL INFORMATION: Affirmation of Potential Litigation over Possible *In Camera* Hearings in Houston Lighting & Power Co., scheduled for June 4, has been cancelled. Affirmation/Discussion

Session scheduled for June 4—Portion closed. Discussion of Revised Licensing Procedures, announced for June 9, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634-1410.

June 4, 1981.

Gary Gilbert,

Office of the Secretary.

[S-897-81 Filed 6-5-81; 2:15 pm]

BILLING CODE 7590-01-M

3

SECURITIES AND EXCHANGE COMMISSION. "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: TO BE PUBLISHED.

STATUS: Open meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 2, 1981.

CHANGES IN THE MEETING: Additional item. The following additional item will be considered at an open meeting scheduled for Thursday, June 11, 1981, at 10:00 a.m.

Consideration of whether to grant Joseph V. Shields, Jr., relief from a bar imposed upon him in connection with a prior administrative proceeding. For further information, please contact Adele Geffen at (202) 272-2947.

Chairman Shad and Commissioners Loomis and Friedman determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

June 4, 1981.

[S-896-81 Filed 6-5-81; 12:06 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
June 9, 1981

Part II

**Department of
Agriculture**

Agricultural Marketing Service

**Marketing Transactions; Proposed
Rulemaking**

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Marketing Transactions; Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This action defines by regulation the various storing and marketing transactions which can develop from transaction involving deposited grain in the operation of a licensed grain warehouse and which are subject to the terms and provisions of the United States Warehouse Act. The action further provides for bonding to support certain transactions for deposited grain which warehousemen may have involving the marketing, handling, and shipping of producer-owned grain other than as storage. Also, modest increases in the amount of bond, in the minimum bond requirements, and in minimum net asset requirements for regular storage transactions are specified. Interested persons are invited to submit written comments on the proposed regulations.

DATE: Written comments should be filed not later than August 10, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue, S.W., Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of grain appearing in Part 102 of Subchapter E of Chapter 1 in Title 7 of the Code of Federal Regulations (7 CFR Part 102).

The U.S. Warehouse Act was passed by Congress in 1916. The Act provides for the licensing of such warehousemen as may apply to the Secretary of Agriculture, and (1) meet departmental standards, (2) agree to abide by the law

and the regulations thereunder, and (3) who are, in his discretion, proper warehousemen within the intent of the law for the storage of agricultural products.

The primary objectives of the U.S. Warehouse Act are to: (1) protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title to be used as collateral for loans, and to facilitate trading in interstate commerce of agricultural commodities; and (3) set and maintain a standard for sound warehouse operations.

A warehouse receipt is acceptable only when it has integrity. Integrity means that the original depositor or a subsequent holder of a receipt must have reasonable assurance that the product covered by the warehouse receipt will be returned upon surrender of the receipt and a valid request for delivery. Failing to receive return of the product, the depositor or holder of the receipt must have the further assurance that the warehouseman is able to pay him for this breach of contract. Existing regulations deal adequately with the warehouseman's obligations and duties as a storer of grain.

Most, if not all, licensed warehousemen also operate a grain marketing business buying grain from producers through the same facilities used for the storage of grain. As grain is received over the scale, the perfect situation would be that it is either deposited for storage with a warehouse receipt demanded and issued or sold with payment demanded and made. However, often the grain's status is not declared by the owner as delivered; or it is deposited for storage with no receipt demanded or issued; or it is sold and payment not demanded or made. The sale or other disposition of grain deposited in a licensed warehouse leads to a full marketing relationship between the depositor and the warehouseman.

The usual marketing relationships have been complicated by another kind of transaction commonly known as price later or deferred pricing or delayed price grain. Such a transaction may be described as a sales contract that constitutes a bonafide sale and change of ownership from the seller to buyer, but which permits the seller to fix the price of the grain at a later date at a pre-agreed formula for determining such price. The seller may continue to have some control of the pricing of his grain but has no physical claim. Generally, no advance payment is made to the seller. The buyer has only a grain payable position with the seller. The seller has

only a money receivable position, a common creditor status.

The business of storing and marketing often becomes inseparable and likewise the funds available to the total business often cannot be segregated. These situations create continuous, dual and at times uncertain obligations.

Consequently, there are risks for producers who sell deposited grain as well as for producers who store such grain. It therefore becomes consistent with objectives of the Act to define the various marketing transactions of a licensed grain warehouseman which are the regulatory concern of the Secretary under terms of the Act. A warehouseman engaging or about to engage in marketing activities with or on behalf of producers must give an initial notice to the Secretary and thereafter provide bond to protect such producers, failure to do so will be cause for suspension of license.

A sound warehouse operation must originate from a sound financial base and depositors in licensed warehouses must be assured that they will have some financial protection if a warehouseman's financial base worsens. The bonding requirements specified in these regulations to support a warehouseman's marketing transactions and the increases indicated in amount of the bond, in minimum bond requirements, and in minimum net asset requirements, are justified in order to maintain the acceptability and integrity of the Federal warehouse receipt; to protect a depositor's interest in commodities deposited in licensed warehouses; and to continue a sound system of warehouses for storage of agricultural commodities.

These actions will affect most grain warehousemen now licensed under the Act and those who may in the future decide to apply for license. The regulations defining the various storing and marketing transactions involving deposited grain generally conform to situations which already exist and it is contemplated that any new "procedures and requirements approved by the Secretary" shall only be those which are already recognized as good business practices. The proposed actions will enhance the security offered by licensed warehousemen to depositors and producers.

The economic impact on small entities is negligible. Operating under the Act is a voluntary election on the part of grain warehousemen. There presently are 1,835 grain warehouses licensed under the Act. This represents about 18 percent of the estimated 10,000 grain warehouses in the United States. Of

these 1,835 licensed grain warehouses, 1,767 or 96.3 percent have a minimum net asset position exceeding that required; and 1,810 or 98.6 percent already are furnishing a bond in excess of the minimum required by these regulations. Any burden resulting from these regulations may cause some warehousemen now licensed to terminate their licenses and some persons who might have applied not to do so.

The regulations, therefore, are proposed to be amended as follows:

1. Section 102.2 (l) and (n) (7 CFR 102.2 (l) and (n)) are revised and a new (w) (x) and (y) are added as follows:

§ 102.2 Terms defined.

(l) Warehouse—Unless the context otherwise clearly indicates, any building, structure, or other protected enclosure licensed or to be licensed under the Act, in which grain is or may be deposited for storage, marketing, handling, shipping, or other disposition.

(n) Warehouseman—Any person lawfully engaged in the business of receiving grain for storage, or who sells, handles, ships or otherwise markets deposited grain and who holds an effective warehouseman's license under the Act.

(w) Deposit—A lot or parcel of grain received into a warehouse licensed under the Act for storage, marketing, handling, shipping, or other disposition.

(x) Depositor—A person making or who has made delivery of grain to a warehouse licensed under the Act for storage, marketing, handling, shipping or other disposition and/or who holds a warehouse receipt, contract or other documentation of such delivery.

(y) Producer—A depositor who also is the landowner, landlord or tenant involved in the production of the grain being deposited.

2. Section 102.6(a) is revised to read as follows:

§ 102.6 Net assets.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made, under the regulations in this part, shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the conduct of the warehouse in the amount of at least 20 cents per bushel for the maximum number of bushels of grain that his warehouse could accommodate when stored in the manner customary to the warehouse as determined by the Administrator: PROVIDED, That no person may be

licensed as a warehouseman under the regulations in this part unless he has allowable net assets of at least \$25,000: AND PROVIDED FURTHER, That any deficiency in net assets required above this \$25,000 minimum may be supplied by an increase in the amount of the warehouseman's bond in accordance with section 102.14(a). In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance policies shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

§ 102.7 [Amended]

3. Section 102.7 is amended by changing "\$10,000.00" to "\$25,000.00."

§ 102.9 [Amended]

4. Section 102.9(a) is amended by changing "\$10,000.00" to "\$25,000.00."

5. Section 102.14 is revised to read as follows:

§ 102.14 Amounts of bond; additional amounts.

(a) The amount of bond to be furnished for each warehouse under the regulations in this part shall be fixed at a rate of 20 cents per bushel of licensed capacity: PROVIDED, That in any case the amount of bond shall not be less than \$25,000 or more than \$500,000, except as prescribed herein and in paragraph (b) of this section. The licensed capacity shall be the maximum number of bushels of grain that the warehouse could accommodate as determined under § 102.6(a). In case of a deficiency in net assets above the \$25,000 minimum required under § 102.6, there shall be added to the amount of bond an amount equal to such deficiency. In any other case in which the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount of bond as determined under the other provisions of this section, a further amount to meet such conditions.

(b) A warehouseman who contracts with producers to buy, sell, handle, ship, or otherwise market their deposited grain shall give notice to the Secretary prior to first engaging in such activity and there shall be added to the amount of bond determined in accordance with paragraph (a) of this section an amount equal to 10 cents per bushel of licensed capacity, provided that such addition for

this purpose shall not be less than \$25,000 nor more than \$250,000 in any case. Such increased amount of bond shall be solely for the benefit of producers who contract with the warehouseman to sell, handle, ship or otherwise market their grain in accordance with § 102.44 (b) hereof. Failure to give such notice or to provide such additional bond shall be grounds for suspension of the warehouse license.

(c) In case a warehouseman is licensed or is applying for licenses to operate two or more warehouses in the same State he may give a single bond meeting the requirements of the Act and the regulations in this part to cover all his warehouses within the State. In such case the warehouses to be covered by the bond shall be deemed to be one warehouse only for purposes of determining the amount of bond required under paragraphs (a) and (b) of this section.

6. Section 102.30 is revised to read as follows:

§ 102.30 Receipts for deposited grain.

(a) Receipts or other documentation indicating delivery to the warehouse must be issued for all grain deposited in a warehouse.

(b) Receipts need not be issued against nonstorage grain, but each warehouseman shall keep accurate records of the weights, kinds, and grades of all lots of nonstorage grain received into and delivered from his warehouse. Whenever the purpose for which any lot of nonstorage grain was received into a warehouse is changed so that its approximate delivery period from the warehouse becomes indeterminate, receipts shall be issued to cover such grain. Records required under this section with respect to nonstorage grain shall be retained, as a part of the records of the warehouse, for a period of one year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse.

(c) Accurate records shall be maintained by the warehouseman for grain which the warehouseman moves direct from the producer to a terminal processor, river, or other point of delivery and which does not enter or is not handled through the licensed facility as well as for any nonstorage grain placed in temporary and nonlicensed areas.

7. Section 102.44 is revised to read as follows:

§ 102.44 Grain deposits.

(a) All grain received into a licensed warehouse is deemed to be deposited

subject to U.S. Warehouse Act and the terms and regulations applicable thereunder. Whoever deposits grain shall receive from the warehouseman a warehouse receipt or other documentation evidencing such deposit. The receiving, documentation, recording, marketing, handling, disposition, and protection of such grain including proceeds therefrom shall be in accordance with procedures and requirements approved by the Secretary and consistent with conditions existing at the warehouse where such grain is deposited.

(b) Persons, including producers, who store grain with the warehouseman and who fail to have such grain or any part thereof returned to them shall have access to the bond provided for in § 102.14(a) and (c); producers who sell their deposited grain or contract with the warehouseman to be their agent to handle, ship or otherwise market the grain deposited and who do not receive full payment for their grain in accordance with such sales agreement or contract shall have access only to the increased amount of the bond provided for in section 102.14(b) and (c). All claims against either part of the bond

shall be without preference and on a pro-rata basis.

(c) Except as provided in § 102.27 each warehouseman shall accept all storage and nonstorage grain and shall deliver out all storage and nonstorage grain, other than specially binned grain, in accordance with the grades of such grain as determined by a person duly licensed to inspect and grade such grain and to certificate the grade thereof and in accordance with the weights of such grain as determined by a person duly licensed to weigh such grain and to certificate the weight thereof, under the Act, and the regulations in this part; or if an appeal from the determination of an inspector has been taken, such grain shall be accepted for and delivered out of storage in accordance with the grades as finally determined in such appeal.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12291, "Federal Regulation." A determination has been made that this action should be classified as non-major under those criteria. Licensed grain warehousemen already engage in the marketing transactions which are regulated herein. Grain warehouses operating under the

Act (and the proposed regulations apply only to such warehouses) generally have records and use procedures which are adequate to meet the new requirements; and any added burden in this respect would fall only on the Department in having to examine and develop information from such records.

The Administrator of Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because of the proposed increase in the amount of bond, in the minimum bond requirements and in minimum net asset requirements. While there are some 1,835 licensed grain warehouses, 53% (972) of which could conceivably be termed small entities (total capacity of less than 1,000,000 bushels) only a small number, 68 or 3.7% have a net asset position below that to be required and only 25 or 1.4% are furnishing bond less than that to be required.

Done at Washington, D.C., June 3, 1981.

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

[FR Doc. 81-10077 Filed 6-8-81; 8:45 am]

BILLING CODE 3410-02-M

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Tuesday, June 9, 1981

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